

PLAINTIFF's EXHIBIT

Lyde, et al. v. City of Philadelphia

P-1

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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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ADRIENNE LYDE, et al., :

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Plaintiff(s) : NO. 2:22-cv-03965-MMB

5

:

vs :

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:

CITY OF PHILADELPHIA, :

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:

Defendant(s) :

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Thursday, December 14, 2023

11

Via Zoom Videoconferencing

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14 Oral deposition of BLANCHE CARNEY,
15 on the above date, beginning approximately 10:00
16 a.m., before Louis A. Manchello, Certified Court
17 Reporter (New Jersey Lic. No. 30XI00141800) and
18 Notary Public of Pennsylvania, held with all parties
19 attending via Zoom Video Conferencing.

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1 APPEARANCES:
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12 Philadelphia, Pennsylvania 19103
13 Counsel for the Defendants
14 ALSO PRESENT:
15 ADRIENNE LYDE
16 JENNIFER ALBANDOZ
17 JESSICA BOWERS
18 -----
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1 BLANCHE CARNEY, having been duly sworn
2 or affirmed as a witness, was examined and
3 testified as follows . . .
4 BY MR. COHEN:
5 Q. Good morning, Commissioner. My name
6 is Noah Cohen, and I'm the attorney for the
7 plaintiffs in this case, Adrienne Lyde, Jennifer
8 Albandoz, and Jessica Bowers.
9 Have you been deposed before?
10 A. Yes.
11 Q. Okay. So the only thing I'd ask is
12 that, if there's a question pending, we wait to
13 break until you have answered that question. Okay?
14 A. Yes.
15 Q. Nancy Giannetta was the warden of
16 Curran-Fromhold Correctional Facility at the time of
17 her retirement, correct?
18 A. Yes.
19 Q. Do you know when Warden Nancy
20 Giannetta retired as warden of Curran-Fromhold
21 Correctional Facility?
22 A. I believe that was in September of 20 -- no,
23 August of 2023 -- '22.
24 Q. So I will share my screen. I will

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<p style="text-align: right;">Page 6</p> <p>1 mark this as Carney Exhibit 1. 2 (Whereupon Carney-1 was marked for 3 identification.) 4 BY MR. COHEN: 5 Q. And if you want me to make something 6 bigger or smaller, please just let me know, and I'm 7 happy to do that. Okay? 8 A. Yes. Can you please enlarge that? 9 Q. Sure. Still? 10 A. A little more. 11 Q. A little more, sure. 12 A. Okay. 13 Q. I'm showing you what has been marked 14 as Carney Exhibit 1. And at the top here, do you 15 see that it is the Work History Detail of Nancy 16 Giannetta? 17 A. Yes. 18 Q. Per this document, do you see that it 19 shows that her retirement was on August 20th of 20 2021? 21 A. Yes. 22 Q. Do you have any reason to doubt that? 23 A. No. 24 Q. Was Steven Angelucci deputy warden of</p>	<p style="text-align: right;">Page 8</p> <p>1 BY MR. COHEN: 2 Q. This is a four-page document, Bates 3 stamped City 1941 through 1944. 4 By looking at this document, can 5 you tell what it is? 6 A. Yes. 7 Q. What is it? 8 A. It is the City's job description for the 9 position of warden. 10 Q. By looking at the last page of this 11 document, when was this job description last 12 revised? 13 A. It's showing a date of revision for 9/14 and 14 11/14. So it doesn't tell me the year. It's just 15 saying 9/14 and 11/14. 16 Q. Would that be of 2014? 17 A. It could be. 18 Q. So I will represent to you that, 19 through prior depositions, that this has been 20 established as the warden's specifications, last 21 revised in November of 2014. Okay? 22 A. Okay. 23 Q. Based upon that representation, would 24 you agree that, on August 21st, 2021, these were the</p>
<p style="text-align: right;">Page 7</p> <p>1 operations at Curran-Fromhold Correctional Facility 2 when Warden Nancy Giannetta retired? 3 A. Yes. 4 Q. When Warden Nancy Giannetta retired as 5 warden of Curran-Fromhold Correctional Facility, was 6 Steven Angelucci given site responsibility for 7 Curran-Fromhold Correctional Facility? 8 A. Yes. 9 Q. How far after Warden Giannetta's 10 retirement was Steven Angelucci given site 11 responsibility for Curran-Fromhold Correctional 12 Facility? 13 A. I believe he had site responsibility prior 14 to her retirement. 15 Q. Who had site responsibility for 16 Curran-Fromhold Correctional Facility on 17 August 21st, 2021, the day after Warden Giannetta's 18 retirement? 19 A. That is Steven Angelucci. 20 MR. COHEN: I will share my 21 screen again, and I will mark this as Carney 22 Exhibit 2. 23 (Whereupon Carney-2 was marked for 24 identification.)</p>	<p style="text-align: right;">Page 9</p> <p>1 specifications for warden? 2 A. I would need to see -- I know there was a 3 revision, but I cannot attest to the exact date. 4 Q. Okay. So I will share my screen 5 again, and I will show you this document, which I 6 will mark as Carney Exhibit 3. 7 (Whereupon Carney-3 was marked for 8 identification.) 9 BY MR. COHEN: 10 Q. Would you agree this is also a warden 11 specification? 12 A. Yes. 13 Q. Okay. And looking at the final 14 page here, page 4 of 4, Bates stamped 15 Plaintiffs 0025, would you agree that this revision 16 occurred in 2022? 17 A. Yes. 18 Q. So going back to Carney Exhibit 2, 19 which is Bates stamped City 1941 through 1944, would 20 you agree that this was the warden specification in 21 place as of August 21st, 2021? 22 A. I would need to see the date on this. Yes. 23 Q. Okay. So would you agree to that? 24 A. Yes.</p>

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<p style="text-align: right;">Page 10</p> <p>1 Q. Looking at the third page of the</p> <p>2 document with Bates stamp City 1943, under where it</p> <p>3 says, "Specific Experience," would you agree that</p> <p>4 there are three alternatives for someone to meet the</p> <p>5 specific experience requirement to be qualified to</p> <p>6 be a warden?</p> <p>7 A. Yes.</p> <p>8 Q. The first is that the individual have</p> <p>9 two years directing, through subordinate</p> <p>10 supervisors, a social service program in a</p> <p>11 correctional institution, correct?</p> <p>12 A. Yes.</p> <p>13 Q. On August 21st, 2021, Mr. Angelucci</p> <p>14 had no experience directing a social service</p> <p>15 program, correct?</p> <p>16 A. In part.</p> <p>17 Q. Can you elaborate?</p> <p>18 A. As a deputy warden of a facility, he could</p> <p>19 have direct responsibility for ensuring that space</p> <p>20 staff were in place for that program to be carried</p> <p>21 out.</p> <p>22 Q. So as of August 21st, 2021, how much</p> <p>23 experience did Steven Angelucci have directing a</p> <p>24 social service program?</p>	<p style="text-align: right;">Page 12</p> <p>1 as the warden, he can address a program that is</p> <p>2 provided to incarcerated people.</p> <p>3 Q. You testified that he may. My</p> <p>4 question is, does he?</p> <p>5 A. I would have to say there's a possibility,</p> <p>6 yes.</p> <p>7 Q. As of August 21st, 2021, Mr. Angelucci</p> <p>8 did not have two years directing, through</p> <p>9 subordinate supervisors, a social service program in</p> <p>10 a correctional institution, correct?</p> <p>11 A. I believe so, because we were still in the</p> <p>12 pandemic phase and our program was very limited.</p> <p>13 Q. Currently, on December 14th, 2023,</p> <p>14 does Steven Angelucci have two years directing,</p> <p>15 through subordinate supervisors, a social service</p> <p>16 program in a correctional institution?</p> <p>17 MR. SEIDMAN: Objection to form.</p> <p>18 Can you repeat that question? Is that the</p> <p>19 same question you asked already?</p> <p>20 MR. COHEN: No.</p> <p>21 MR. SEIDMAN: Oh. Can you</p> <p>22 repeat the question, Lou?</p> <p>23 MR. COHEN: Sure. Oh, Lou.</p> <p>24 Sure.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. That, I cannot answer fully. He has an</p> <p>2 extensive career.</p> <p>3 Q. I think a moment ago you said that he</p> <p>4 had some experience directing a social service</p> <p>5 program as of August 21st, 2021; am I correct?</p> <p>6 A. Yes.</p> <p>7 Q. So my question is, do you know how</p> <p>8 much experience he had, as of August 21st, 2021,</p> <p>9 directing a social service program?</p> <p>10 A. No --</p> <p>11 MR. SEIDMAN: Objection to form.</p> <p>12 You can answer, if you understand.</p> <p>13 A. I cannot give a total answer of his</p> <p>14 experience.</p> <p>15 Q. Is it your testimony that, currently,</p> <p>16 on December 14th, 2023, Steven Angelucci has some</p> <p>17 experience that would count towards this first prong</p> <p>18 of specific experience that says two years</p> <p>19 directing, through subordinate supervisors, a social</p> <p>20 service program in a correctional institution?</p> <p>21 A. Yes. He may have some experience because he</p> <p>22 is a deputy warden, and he has assisted and worked</p> <p>23 hand in hand with the Human Service Program</p> <p>24 Administrators and the social work supervisors. And</p>	<p style="text-align: right;">Page 13</p> <p>1 (Whereupon the court reporter read back</p> <p>2 as follows: "Currently, on December 14th,</p> <p>3 2023, does Steven Angelucci have two years</p> <p>4 directing, through subordinate supervisors,</p> <p>5 a social service program in a correctional</p> <p>6 institution?")</p> <p>7 THE WITNESS: He may have.</p> <p>8 BY MR. COHEN:</p> <p>9 Q. The second alternative is that the</p> <p>10 individual have two years as a deputy warden,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know when Steven Angelucci was</p> <p>14 promoted to deputy warden?</p> <p>15 A. I do not recall.</p> <p>16 MR. COHEN: I will share my</p> <p>17 screen. And I will mark this as Carney</p> <p>18 Exhibit 4.</p> <p>19 (Whereupon Carney-4 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. COHEN:</p> <p>22 Q. Do you see here at the top where it</p> <p>23 says, "Work History Detail for Steven Angelucci"?</p> <p>24 A. Yes.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q. And going down a bit, would you agree</p> <p>2 that Mr. Angelucci was made a deputy warden as of</p> <p>3 November 16th, 2020?</p> <p>4 A. Yes.</p> <p>5 Q. So, on August 21st, 2021,</p> <p>6 Mr. Angelucci had a little over nine months</p> <p>7 experience as a deputy warden, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Going back to page 3 of Carney</p> <p>10 Exhibit 2, this portion here where it says,</p> <p>11 "Two years directing, through subordinate</p> <p>12 supervisors, a social service program in a</p> <p>13 correctional institution," in order to meet that</p> <p>14 criteria, does an individual have to be an HSPA?</p> <p>15 A. No.</p> <p>16 Q. Can you name any deputy wardens that</p> <p>17 have qualified for the specific experience of</p> <p>18 warden, required to be promoted to warden, through</p> <p>19 this provision of two years directing, through</p> <p>20 subordinate supervisors, a social service program in</p> <p>21 a correctional institution?</p> <p>22 A. I do not recall.</p> <p>23 Q. Can you think of any deputy wardens</p> <p>24 that have directed a social service program?</p>	<p style="text-align: right;">Page 16</p> <p>1 programs, reading programs, any book programs, in</p> <p>2 concert, again, with subordinate supervisors in the</p> <p>3 restorative and transitional services department.</p> <p>4 Ultimately, because he was a deputy warden, they</p> <p>5 would have to coordinate with the deputy wardens to</p> <p>6 get that work done or services provided.</p> <p>7 Q. So you just said that Steven Angelucci</p> <p>8 provided that program. Did he direct the program?</p> <p>9 A. He could have directed it through the</p> <p>10 supervisors to carry it out to provide it to the</p> <p>11 population.</p> <p>12 Q. Do you know if he did direct any</p> <p>13 social service program?</p> <p>14 MR. SEIDMAN: Objection to form.</p> <p>15 She answered the question.</p> <p>16 BY MR. COHEN:</p> <p>17 Q. You can answer, Commissioner.</p> <p>18 A. I answered the question.</p> <p>19 Q. And what is your answer?</p> <p>20 A. The same answer I just gave you. I believe</p> <p>21 he did, yes.</p> <p>22 Q. And that program was a reading</p> <p>23 program?</p> <p>24 A. We have various book programs. That's an</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Yes.</p> <p>2 Q. Who is that?</p> <p>3 A. At one point, in my recollection, was</p> <p>4 Cathy Talmadge, who used to have direct</p> <p>5 responsibility for Scared Straight Program that is</p> <p>6 no longer in operation. And she was the</p> <p>7 correctional person that used to coordinate to have</p> <p>8 youth at risk for becoming involved with the</p> <p>9 criminal justice system.</p> <p>10 She would bring those group of</p> <p>11 youth in to come inside the prisons at that time,</p> <p>12 and they would have them speak with the adult</p> <p>13 population to try to discourage them from becoming</p> <p>14 justice involved.</p> <p>15 Q. What supervisors reported to her as</p> <p>16 part of that social service program?</p> <p>17 A. I don't believe they reported to her, but</p> <p>18 she worked hand in hand with the social work</p> <p>19 supervisors to identify the incarcerated population</p> <p>20 who would be provided and available to speak to the</p> <p>21 at-risk youth.</p> <p>22 Q. What social service program has</p> <p>23 Steven Angelucci directed?</p> <p>24 A. Steven Angelucci has provided a number of</p>	<p style="text-align: right;">Page 17</p> <p>1 example of one of the programs that he can be</p> <p>2 directly involved in.</p> <p>3 Q. And did he direct that program?</p> <p>4 A. He could have, through the coordination of a</p> <p>5 social work supervisor assigned.</p> <p>6 Q. But you don't know if he directed the</p> <p>7 program?</p> <p>8 A. He could have.</p> <p>9 Q. So is that a yes, you don't know?</p> <p>10 A. It's a yes, it's a possibility.</p> <p>11 Q. Are there any other programs -- social</p> <p>12 service programs, I mean -- that you think</p> <p>13 Steven Angelucci may have directed while he was a</p> <p>14 deputy warden?</p> <p>15 A. Not during that time period that I can</p> <p>16 recall.</p> <p>17 Q. Are there any other social service</p> <p>18 programs that you think Steven Angelucci directed</p> <p>19 prior to him being promoted to deputy warden on</p> <p>20 November 16th, 2020?</p> <p>21 A. He could have been involved in work</p> <p>22 assignments, which, again, in concert through a</p> <p>23 subordinate social work supervisor, to have</p> <p>24 incarcerated people report to a specific area to</p>

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<p style="text-align: right;">Page 18</p> <p>1 fill the institutional job assignments.</p> <p>2 Q. So he could have, but fair to say,</p> <p>3 you're not sure if he did or not?</p> <p>4 A. I don't agree with that. I believe he could</p> <p>5 have. There's a possibility.</p> <p>6 Q. But you're not sure if he did?</p> <p>7 A. The likelihood of his job responsibilities,</p> <p>8 it's likely.</p> <p>9 Q. And then, lastly, the third</p> <p>10 alternative to meet the specific experience</p> <p>11 requirement for the warden position in place in</p> <p>12 August 21, 2021 was that, "The equivalent of</p> <p>13 education and experience determined to be acceptable</p> <p>14 by the Office of Human Resources," correct?</p> <p>15 A. Yes.</p> <p>16 Q. The Office of Human Resources is a</p> <p>17 separate City department than the Philadelphia</p> <p>18 Department of Prisons, correct?</p> <p>19 A. Yes.</p> <p>20 Q. The Office of Human Resources did not</p> <p>21 make a determination that Mr. Angelucci's education,</p> <p>22 general experience and approximately nine months of</p> <p>23 specific experience as deputy warden was acceptable</p> <p>24 for him to have site responsibility of</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. So looking at this document,</p> <p>2 which I believe is marked Carney Exhibit 4, does</p> <p>3 that help you answer that question?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And what is the answer?</p> <p>6 A. That he was promoted December 26, 2022. So</p> <p>7 he met the criteria based on the OHR assessment.</p> <p>8 Q. When was that assessment made?</p> <p>9 A. I don't know the actual date of the</p> <p>10 assessment. Based on the effective date of the</p> <p>11 promotion, however, it's saying December 26, 2022.</p> <p>12 Q. Mr. Angelucci did not have to apply to</p> <p>13 have site responsibility of Curran-Fromhold</p> <p>14 Correctional Facility after Warden Giannetta's</p> <p>15 retirement, correct?</p> <p>16 MR. SEIDMAN: Objection to form.</p> <p>17 BY MR. COHEN:</p> <p>18 Q. You can answer.</p> <p>19 MR. SEIDMAN: If you understand</p> <p>20 the question, go ahead.</p> <p>21 A. Can you repeat your question?</p> <p>22 Q. Sure. Mr. Angelucci did not apply to</p> <p>23 have site responsibility of Curran-Fromhold</p> <p>24 Correctional Facility, correct?</p>
<p style="text-align: right;">Page 19</p> <p>1 Curran-Fromhold Correctional Facility after Warden</p> <p>2 Giannetta retired, correct?</p> <p>3 MR. SEIDMAN: Objection to form.</p> <p>4 If you understand the question.</p> <p>5 A. I don't understand the question.</p> <p>6 Q. Okay. This prong says that an</p> <p>7 applicant for warden can meet the specific</p> <p>8 experience requirement through a determination by</p> <p>9 the Office of Human Resources, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Are you aware of any determination</p> <p>12 made by the Office of Human Resources regarding</p> <p>13 Steven Angelucci's qualifications for warden?</p> <p>14 A. Well, he was assessed, and they believed he</p> <p>15 met the criteria. I don't have the specifics of</p> <p>16 their assessment.</p> <p>17 Q. When was he assessed?</p> <p>18 A. Can you pull up the record? I can't recall.</p> <p>19 I need to see the record. I can't recall.</p> <p>20 Q. Sure. That's fair.</p> <p>21 So going back to Mr. Angelucci's</p> <p>22 Work History Detail, is this the record you were</p> <p>23 referring to?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Correct.</p> <p>2 Q. You assigned him to that position,</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. At the time you assigned him to that</p> <p>6 position, did you know that Mr. Angelucci did not</p> <p>7 have two years of experience as a deputy warden?</p> <p>8 A. I did not.</p> <p>9 MR. SEIDMAN: Objection to form.</p> <p>10 BY MR. COHEN:</p> <p>11 Q. Going back to the first provision of</p> <p>12 directing a social service program through</p> <p>13 subordinate supervisors, is it your testimony that,</p> <p>14 as of August 21, 2021, Mr. Angelucci had two years</p> <p>15 of experience in that capacity?</p> <p>16 A. No. Based on the record that you just put</p> <p>17 up, it is nine months. And just above it,</p> <p>18 eight years of correctional and/or -- oh, I'm sorry.</p> <p>19 You took it off the screen.</p> <p>20 Q. Sorry.</p> <p>21 A. So of the three additional specific</p> <p>22 experience, it's coupled with the general</p> <p>23 experience, eight years of correctional and/or</p> <p>24 rehabilitative experience in a correctional</p>

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<p style="text-align: right;">Page 22</p> <p>1 institution, including six years supervising a staff 2 engaged in such services. 3 Q. Right. You're referring to the 4 general experience requirement in the warden 5 specification as of August 21, 2021, correct? 6 A. Correct. 7 Q. Would you agree with me that the 8 educational requirement, the general experience 9 requirement, and the specific experience all need to 10 be met to meet the qualification? 11 A. The combination inclusive of "ors" is in 12 there and the assessment by human resources. 13 Q. Right. If there is an assessment by 14 human resources, they could accept some combination, 15 correct? 16 A. Correct. 17 Q. A bit ago I asked you about this first 18 prong, about the two years directing, and you 19 referred to the nine months of experience as a 20 deputy warden. Do you remember that testimony? 21 A. Yes. 22 Q. Okay. I'm going to reask my question, 23 because the nine months of experience as 24 deputy warden, would you agree with me, relates to</p>	<p style="text-align: right;">Page 24</p> <p>1 BY MR. COHEN: 2 Q. Did you have any conversations with 3 Deputy Commissioner Clark about the decision to 4 assign Mr. Angelucci to have site responsibility of 5 Curran-Fromhold Correctional Facility upon 6 Warden Giannetta's retirement? 7 A. Yes. 8 Q. What was his input? 9 A. He did not have input. He was my direct 10 report, and I informed him that I needed the 11 facility to be stable and to continue to function, 12 and I directed him to notify Angelucci of that 13 directive. 14 Q. Did you have any conversations with 15 Deputy Commissioner Beaufort about the decision to 16 assign Mr. Angelucci to have site responsibility of 17 Curran-Fromhold Correctional Facility upon 18 Warden Giannetta's retirement? 19 A. Yes. 20 Q. What was his input? 21 A. He had no input. My directive was to ensure 22 that the information -- because Deputy Commissioner 23 Beaufort is for administration, so he had to ensure 24 that the memorandum was provided and prepared.</p>
<p style="text-align: right;">Page 23</p> <p>1 this second prong as experience as deputy warden? 2 A. Yes. 3 Q. So did you know that, on August 21, 4 2021, Mr. Angelucci did not have two years 5 directing, through subordinate supervisors, a social 6 service program in a correctional institution? 7 MR. SEIDMAN: Objection to form. 8 Are you asking if he can have both? He can 9 have both experiences at one time? 10 MR. COHEN: I'm asking if -- my 11 question, which is, does she know that he did 12 not have this two years of experience under 13 the first prong of the specific experience. 14 MR. SEIDMAN: Well, you're 15 presuming he did not have. 16 MR. COHEN: Yes, I am presuming 17 he did not have. So I have asked her if he 18 had, and she has said she doesn't know. I 19 believe that's the testimony. 20 MR. SEIDMAN: And now you keep 21 on asking the same question over and over 22 again. She said she doesn't know. 23 MR. COHEN: Right. Okay. 24 That's fair.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Who authored the memorandum? 2 A. The memorandum is prepared by our Office of 3 Human Resources, and it's a transaction memo. 4 Q. Would Sherell Maxwell have been the 5 person to author that memo? 6 A. It would have been her, or she could have 7 assigned it. 8 Q. Did you see the transaction memo? 9 A. I don't recall. 10 Q. How do you know that there was a 11 transaction memo? 12 A. That's normally how it's notified to the 13 facility so that the campus is aware. 14 Q. And normally, who receives that 15 transaction memo? 16 A. It's sent out systemwide on our intranet 17 system. 18 Q. And when you say "systemwide," who 19 would be part of that system? 20 A. Anyone who has an e-mail address for the 21 prison. 22 Q. Anyone who has an e-mail address for 23 the prison should have received a memo stating that 24 Steven Angelucci was given site responsibility of</p>

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<p style="text-align: right;">Page 26</p> <p>1 Curran-Fromhold Correctional Facility upon</p> <p>2 Warden Giannetta's retirement?</p> <p>3 A. Okay. Thank you. I just now have in my</p> <p>4 recollection there was not a formal memorandum. He</p> <p>5 was assigned those facilities as a directive.</p> <p>6 I do remember -- I don't recall</p> <p>7 signing off that he was given interim site</p> <p>8 responsibility. And this is me recalling to the</p> <p>9 best of my ability, because I don't have the</p> <p>10 document in front of me. But I'm remembering, I</p> <p>11 don't believe we had a formal transaction memo for</p> <p>12 that. He just was given that directive. I'm</p> <p>13 recalling that now, when you stated your question a</p> <p>14 second time.</p> <p>15 Q. Would seeing the document help refresh</p> <p>16 your recollection?</p> <p>17 A. If you have it, yes.</p> <p>18 Q. Do you know that such a document</p> <p>19 exists?</p> <p>20 A. Based on my recollection when you stated the</p> <p>21 question again the second time, I'm not recalling</p> <p>22 that there was an actual transaction memo.</p> <p>23 Q. Is there any document that you're</p> <p>24 aware of referring to Steven Angelucci being given</p>	<p style="text-align: right;">Page 28</p> <p>1 of my decision.</p> <p>2 Q. When you assigned Mr. Angelucci site</p> <p>3 responsibility of Curran-Fromhold Correctional</p> <p>4 Facility after Warden Giannetta's retirement, what</p> <p>5 were his job duties?</p> <p>6 A. His job duties were to ensure that the</p> <p>7 safety and security of the facility continued. He</p> <p>8 continued to instruct and direct staff in its</p> <p>9 operations of all disciplines and to report any</p> <p>10 deficiencies to his direct supervisor at the time,</p> <p>11 who was Deputy Commissioner Clark.</p> <p>12 Q. Anything else?</p> <p>13 A. No.</p> <p>14 Q. Mr. Angelucci is currently the warden</p> <p>15 of Curran-Fromhold Correctional Facility, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Are there any differences to</p> <p>18 Mr. Angelucci's job duties as warden of</p> <p>19 Curran-Fromhold Correctional Facility and when he</p> <p>20 had site responsibility of Curran-Fromhold</p> <p>21 Correctional Facility after Warden Giannetta's</p> <p>22 retirement?</p> <p>23 A. Yes.</p> <p>24 Q. What differences?</p>
<p style="text-align: right;">Page 27</p> <p>1 site responsibility of Curran-Fromhold Correctional</p> <p>2 Facility upon Nancy Giannetta's retirement?</p> <p>3 A. I do not believe so.</p> <p>4 Q. And why is that?</p> <p>5 A. When you asked would he have been given that</p> <p>6 interim, or whatever you stated in your question,</p> <p>7 triggered me to say it was not an interim</p> <p>8 transaction memorandum, and that was what brought it</p> <p>9 back to my recollection. I do not believe I issued</p> <p>10 an interim for him.</p> <p>11 Q. And is it your testimony that you're</p> <p>12 not aware of any documentation regarding the</p> <p>13 decision to give Steven Angelucci site</p> <p>14 responsibility of Curran-Fromhold Correctional</p> <p>15 Facility upon Nancy Giannetta's retirement?</p> <p>16 A. Yes.</p> <p>17 Q. Did you have any conversations with</p> <p>18 Deputy Commissioner Bagby about the decision to</p> <p>19 assign Mr. Angelucci to have site responsibility of</p> <p>20 Curran-Fromhold Correctional Facility upon</p> <p>21 Warden Giannetta's retirement?</p> <p>22 A. Yes.</p> <p>23 Q. What was his input?</p> <p>24 A. He did not have any input. I notified him</p>	<p style="text-align: right;">Page 29</p> <p>1 A. As a deputy warden, a then-deputy warden</p> <p>2 could not take disciplinary action for fellow</p> <p>3 deputy wardens.</p> <p>4 Q. Anything else?</p> <p>5 A. No.</p> <p>6 Q. Do you know whether during the time</p> <p>7 Mr. Angelucci had site responsibility of</p> <p>8 Curran-Fromhold Correctional Facility after</p> <p>9 Warden Giannetta's retirement he sought to have any</p> <p>10 deputy wardens disciplined?</p> <p>11 A. No.</p> <p>12 Q. Do you know whether during the time</p> <p>13 Mr. Angelucci had site responsibility of</p> <p>14 Curran-Fromhold Correctional Facility after</p> <p>15 Warden Giannetta's retirement any deputy wardens at</p> <p>16 Curran-Fromhold Correctional Facility were</p> <p>17 disciplined?</p> <p>18 A. Can you repeat your question?</p> <p>19 Q. Sure. And I'll clarify the time frame</p> <p>20 as well.</p> <p>21 So looking back at</p> <p>22 Mr. Angelucci's work history, I think we've</p> <p>23 established that he was promoted to warden of</p> <p>24 Curran-Fromhold Correctional Facility on</p>

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<p style="text-align: right;">Page 30</p> <p>1 December 26, 2022, correct?</p> <p>2 A. Yes.</p> <p>3 Q. For the time period of August 21st,</p> <p>4 2021, through December 25th, 2022, were any</p> <p>5 deputy wardens of Curran-Fromhold Correctional</p> <p>6 Facility disciplined?</p> <p>7 A. I cannot say 100 percent with certainty.</p> <p>8 Q. As Commissioner, have you ever put a</p> <p>9 woman in a position that she did not meet the</p> <p>10 minimum experience requirement for?</p> <p>11 A. Not to my recollection.</p> <p>12 Q. Cathy Talmadge was the warden of</p> <p>13 Riverside Correctional Facility at the time of her</p> <p>14 retirement, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know when Warden Cathy Talmadge</p> <p>17 retired as warden of Riverside Correctional</p> <p>18 Facility?</p> <p>19 A. No.</p> <p>20 MR. COHEN: I will share my</p> <p>21 screen. And I will mark this as Carney</p> <p>22 Exhibit 5.</p> <p>23 (Whereupon Carney-5 was marked for</p> <p>24 identification.)</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Going back to Carney Exhibit 2, and on</p> <p>2 the third page, would you agree that these were the</p> <p>3 specifications for warden in place on</p> <p>4 September 25th, 2021?</p> <p>5 A. I would need to see the date. This says</p> <p>6 9/14 and 11/14.</p> <p>7 Q. Right. This is the document that we</p> <p>8 were looking at with regards to the questions about</p> <p>9 Mr. Angelucci and Curran-Fromhold Correctional</p> <p>10 Facility, and I think we'd established that the</p> <p>11 specifications were revised in 2022, correct?</p> <p>12 A. That is correct.</p> <p>13 Q. So based upon that, would you agree</p> <p>14 that, on September 25th, 2021, these were the</p> <p>15 specifications in place for warden?</p> <p>16 A. Yes.</p> <p>17 Q. Looking at the third page of the</p> <p>18 document where it says, "Education," for someone to</p> <p>19 meet the education requirement to be qualified to be</p> <p>20 a warden, they need to have completed a bachelor's</p> <p>21 degree program at an accredited college or</p> <p>22 university, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Mr. Lacombe has not completed a</p>
<p style="text-align: right;">Page 31</p> <p>1 BY MR. COHEN:</p> <p>2 Q. Would you agree that this is the</p> <p>3 Work History Detail for Warden Talmadge?</p> <p>4 A. Yes.</p> <p>5 Q. And that this document shows that</p> <p>6 Warden Talmadge retired September 24th, 2021?</p> <p>7 A. Yes.</p> <p>8 Q. Do you have any reason to doubt that?</p> <p>9 A. No.</p> <p>10 Q. Was Pierre Lacombe deputy warden of</p> <p>11 operations at Riverside Correctional Facility when</p> <p>12 Warden Talmadge retired?</p> <p>13 A. Yes.</p> <p>14 Q. When Warden Cathy Talmadge retired as</p> <p>15 warden of Riverside Correctional Facility, was</p> <p>16 Pierre Lacombe given site responsibility for</p> <p>17 Riverside Correctional Facility?</p> <p>18 A. He was given site responsibility prior to</p> <p>19 her retirement.</p> <p>20 Q. Who had site responsibility for</p> <p>21 Riverside Correctional Facility On September 25th,</p> <p>22 2021, the day after Warden Giannetta's retirement?</p> <p>23 A. Deputy Warden Pierre Lacombe continued site</p> <p>24 responsibility on that date.</p>	<p style="text-align: right;">Page 33</p> <p>1 bachelor's degree program at an accredited college</p> <p>2 or university, correct?</p> <p>3 A. Correct.</p> <p>4 MR. COHEN: Sharing my screen.</p> <p>5 I will mark this as Carney Exhibit 6.</p> <p>6 (Whereupon Carney-6 was marked for</p> <p>7 identification.)</p> <p>8 BY MR. COHEN:</p> <p>9 Q. It is a two-page document. Let me</p> <p>10 make is little smaller. The Bates stamp is on the</p> <p>11 side.</p> <p>12 So it's a two-page document,</p> <p>13 Bates stamped City 1919 and City 1920. Do you see</p> <p>14 that?</p> <p>15 A. This is saying 2020. I see it.</p> <p>16 Q. Do you agree that the first page of</p> <p>17 the exhibit are the individuals who were approved by</p> <p>18 the Office of Human Resources ranked by their scores</p> <p>19 on the warden exam?</p> <p>20 A. Yes.</p> <p>21 Q. And that this is the City of</p> <p>22 Philadelphia eligible list for warden dated</p> <p>23 February 21, 2020?</p> <p>24 A. Yes.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. Being ranked on this list means that</p> <p>2 the Office of Human Resources has determined that</p> <p>3 these individuals meet the minimum acceptable</p> <p>4 training and experience for the warden position,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. And this list of four individuals made</p> <p>8 up the warden promotional list established on</p> <p>9 February 21, 2020, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Did the Office of Human Resources make</p> <p>12 a mistake in determining who was approved for the</p> <p>13 warden promotional list established on February 21,</p> <p>14 2020?</p> <p>15 A. They made a determination based on the</p> <p>16 criteria that they used.</p> <p>17 Q. Right. Was that determination correct</p> <p>18 or incorrect?</p> <p>19 A. Based on their assessment, this is how they</p> <p>20 were ranked.</p> <p>21 Q. And was that determination correct or</p> <p>22 incorrect?</p> <p>23 A. My answer is the same.</p> <p>24 Q. So you can't provide an answer to</p>	<p style="text-align: right;">Page 36</p> <p>1 these individuals did not meet the minimum</p> <p>2 acceptable training and experience for the warden</p> <p>3 promotional list established on February 21, 2020,</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. Did the Office of Human Resources make</p> <p>7 a mistake in determining who was placed on the</p> <p>8 failure list?</p> <p>9 A. Based on their criteria, they determined.</p> <p>10 Q. Right. Did they make a mistake in</p> <p>11 that determination?</p> <p>12 A. Based on their criteria, they determined. I</p> <p>13 cannot speak to whether or not they made a mistake.</p> <p>14 Q. Do you have any reason to doubt that</p> <p>15 they were correct in their determination regarding</p> <p>16 who was placed on the failure list?</p> <p>17 MR. SEIDMAN: I think she's</p> <p>18 saying she has no way of knowing one way or</p> <p>19 the other, she's saying.</p> <p>20 MR. COHEN: Are you answering</p> <p>21 the question, David?</p> <p>22 MR. SEIDMAN: Yes. I'm</p> <p>23 repeating her answer.</p> <p>24 BY MR. COHEN:</p>
<p style="text-align: right;">Page 35</p> <p>1 whether or not the determination made by the Office</p> <p>2 of Human Resources was correct or not?</p> <p>3 A. I don't know what they used, other than the</p> <p>4 criteria, and they came up with a final score and</p> <p>5 ranking.</p> <p>6 Q. Do you have any reason to doubt that</p> <p>7 the Office of Human Resources was correct in their</p> <p>8 determination on who was deemed acceptable and what</p> <p>9 their ranking was?</p> <p>10 A. Based on their criteria, they came up with</p> <p>11 the ranking system and a final score.</p> <p>12 Q. Right. Do you have any reason to</p> <p>13 doubt those rankings and determinations?</p> <p>14 A. No, based on that question.</p> <p>15 Q. All four of the approved applicants on</p> <p>16 the established list for warden on February 21, 2020</p> <p>17 are women, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And going to the second page of the</p> <p>20 exhibit, this is the failure list for the same</p> <p>21 promotional list, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Being placed on this list means that</p> <p>24 the Office of Human Resources has determined that</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. So I will repeat my question.</p> <p>2 Commissioner, do you have any</p> <p>3 reason to doubt that the Office of Human Resources</p> <p>4 was correct in determining who was placed on the</p> <p>5 failure list on February 21, 2020?</p> <p>6 A. My answer is the same. It's based on their</p> <p>7 criteria.</p> <p>8 Q. Do you have any reason to doubt that</p> <p>9 they were correct in their determination regarding</p> <p>10 the failure list?</p> <p>11 MR. SEIDMAN: Objection to form,</p> <p>12 asked and answered.</p> <p>13 You can answer again, if you'd</p> <p>14 like.</p> <p>15 A. My answer remains the same.</p> <p>16 Q. All six of the applicants on the</p> <p>17 failure list for the warden promotional list</p> <p>18 established on February 21, 2020 are men, correct?</p> <p>19 A. There's an individual on here who I do not</p> <p>20 recognize the name, so I cannot say 100 percent</p> <p>21 certain that this entire list is male.</p> <p>22 Q. Who is that individual?</p> <p>23 A. Roi Greene.</p> <p>24 Q. The other five individuals are men?</p>

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<p style="text-align: right;">Page 38</p> <p>1 A. Yes.</p> <p>2 Q. The Office of Human Resources did not</p> <p>3 make a determination that Mr. Lacombe was acceptable</p> <p>4 to have site responsibility of Riverside</p> <p>5 Correctional Facility based upon his education and</p> <p>6 experience after Warden Talmadge retired, correct?</p> <p>7 A. Can you repeat that, please?</p> <p>8 Q. Sure. Am I correct that the Office of</p> <p>9 Human Resources did not make a determination that</p> <p>10 Mr. Lacombe was acceptable to have site</p> <p>11 responsibility of Riverside Correctional Facility</p> <p>12 based upon his education and experience after</p> <p>13 Warden Talmadge retired?</p> <p>14 MR. SEIDMAN: Objection to form.</p> <p>15 BY MR. COHEN:</p> <p>16 Q. You can answer, Commissioner.</p> <p>17 A. They wouldn't have had a determination. He</p> <p>18 wasn't applying to be a deputy warden.</p> <p>19 Q. Well, he certainly wasn't applying to</p> <p>20 be a deputy warden at that time because he already</p> <p>21 was a deputy warden, correct?</p> <p>22 A. That is correct.</p> <p>23 Q. And he did not apply to have site</p> <p>24 responsibility of Curran-Fromhold Correctional</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. For how long?</p> <p>3 A. Until determined.</p> <p>4 Q. Prior to 2021, are you aware of any</p> <p>5 other instance of that occurring?</p> <p>6 A. Yes.</p> <p>7 Q. How many instances?</p> <p>8 A. Two.</p> <p>9 Q. What are those instances?</p> <p>10 A. Retired Warden William Lawton was out for a</p> <p>11 period of time and a deputy warden assumed site</p> <p>12 responsibility in his absence. And Deputy Warden</p> <p>13 John Delaney was out for an extended period of time</p> <p>14 and a deputy warden assumed site responsibility.</p> <p>15 Q. Did Warden Lawton eventually retire?</p> <p>16 A. Yes.</p> <p>17 Q. And who was the deputy warden who</p> <p>18 assumed site responsibility while Warden Lawton was</p> <p>19 out prior to his retirement?</p> <p>20 A. Edward Miranda.</p> <p>21 Q. And upon Warden Lawton's retirement,</p> <p>22 did Edward Miranda continue to have site</p> <p>23 responsibility of the facility?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 39</p> <p>1 Facility -- of Riverside Correctional Facility upon</p> <p>2 the retirement of Warden Talmadge, correct?</p> <p>3 A. Right.</p> <p>4 MR. SEIDMAN: Objection to form.</p> <p>5 You can answer.</p> <p>6 A. Yes, he did not apply.</p> <p>7 Q. You assigned him to that position</p> <p>8 after Warden Talmadge retired, correct?</p> <p>9 A. He had that position prior to her</p> <p>10 retirement, because she was out on extended leave,</p> <p>11 and he had site responsibility.</p> <p>12 Q. So is it incorrect that you assigned</p> <p>13 him to the position of having site responsibility</p> <p>14 after Warden Talmadge retired?</p> <p>15 A. It is incorrect, because he had site</p> <p>16 responsibility just by his sheer rank of being a</p> <p>17 deputy warden during her absence.</p> <p>18 A deputy warden for operation</p> <p>19 normally covers in the absence of a warden who is</p> <p>20 assigned, of which she was out for an extended</p> <p>21 period of time. And he continued site</p> <p>22 responsibility the day after her retirement.</p> <p>23 Q. Does a deputy warden normally cover a</p> <p>24 facility upon the retirement of a warden?</p>	<p style="text-align: right;">Page 41</p> <p>1 MR. SEIDMAN: Can we take</p> <p>2 60 seconds?</p> <p>3 MR. COHEN: Sure.</p> <p>4 (Short recess taken at</p> <p>5 11:01 a.m.)</p> <p>6 (Proceedings resumed at</p> <p>7 11:02 a.m.)</p> <p>8 BY MR. COHEN:</p> <p>9 Q. Who replaced Warden Lawton?</p> <p>10 A. Warden Lawton was not replaced. The</p> <p>11 facility was closed and depopulated.</p> <p>12 Q. Which facility was that?</p> <p>13 A. House of Correction.</p> <p>14 Q. The other instance you provided was</p> <p>15 Warden Delaney, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And when Warden Delaney was out on</p> <p>18 leave, who assumed site responsibility of his</p> <p>19 facility?</p> <p>20 A. Then-Deputy Warden Gerald May.</p> <p>21 Q. And what facility was that?</p> <p>22 A. CFCF.</p> <p>23 Q. At the time when Warden Delaney</p> <p>24 retired, did Deputy Warden May continue to have site</p>

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<p style="text-align: right;">Page 42</p> <p>1 responsibility for CFCF?</p> <p>2 A. For a brief period of time.</p> <p>3 Q. How long was that?</p> <p>4 A. I can't recall the actual time period.</p> <p>5 Q. Can you recall when Warden Delaney</p> <p>6 retired?</p> <p>7 A. I cannot say for certain, but I believe it</p> <p>8 was in 2022.</p> <p>9 MR. COHEN: I will mark this as</p> <p>10 Commissioner Carney Exhibit 7.</p> <p>11 (Whereupon Carney-7 was marked for</p> <p>12 identification.)</p> <p>13 BY MR. COHEN:</p> <p>14 Q. I'm showing you Warden Delaney's</p> <p>15 Work History Detail. Do you see that?</p> <p>16 A. Yes, I do.</p> <p>17 Q. And do you see where on this document</p> <p>18 it shows he retired July 3rd, 2020?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have any reason to doubt that?</p> <p>21 A. No.</p> <p>22 Q. He retired as warden of</p> <p>23 Curran-Fromhold Correctional Facility, correct?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 whether or not you assigned Pierre Lacombe to have</p> <p>2 site responsibility of Riverside Correctional</p> <p>3 Facility upon the retirement of Warden Talmadge; do</p> <p>4 you remember that?</p> <p>5 A. Yes.</p> <p>6 Q. And it was your testimony, and please</p> <p>7 correct me if I'm misstating, that you did not</p> <p>8 assign him the position upon Warden Talmadge's</p> <p>9 retirement because he was already in the position of</p> <p>10 having site responsibility because Warden Talmadge</p> <p>11 was on leave prior to her retirement; is that</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. And I asked for some examples, if you</p> <p>15 had any, of instances where a deputy warden</p> <p>16 continued to have site responsibility of a facility</p> <p>17 upon the retirement of the warden. Do you remember</p> <p>18 that question?</p> <p>19 A. Yes.</p> <p>20 Q. And you said, yes, there are examples</p> <p>21 of that, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And I asked you what examples. And</p> <p>24 you said you could think of two instances, and we</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. And it's your testimony that, upon his</p> <p>2 retirement, Deputy Warden May continued having site</p> <p>3 responsibility of that facility?</p> <p>4 A. Based on my recollection, but not</p> <p>5 100 percent certain.</p> <p>6 Q. Okay.</p> <p>7 A. And it may be -- and this is unfortunate,</p> <p>8 but I believe Deputy Warden May, it was earlier than</p> <p>9 that. It was in 2018 or '19. Because Deputy Warden</p> <p>10 May died. So this is based on my recollection. I</p> <p>11 believe his having site responsibility precedes this</p> <p>12 effective date, unfortunately. Based on my</p> <p>13 recollection, I believe that Deputy Warden May was</p> <p>14 deceased at that time.</p> <p>15 Q. When you say "at that time," you're</p> <p>16 referring to --</p> <p>17 A. Of the July 3rd, 2020.</p> <p>18 Q. Okay. So in both of the examples you</p> <p>19 provided where a deputy warden assumed site</p> <p>20 responsibility upon a warden being out, upon the</p> <p>21 retirement of that warden, that deputy warden did</p> <p>22 not continue their site responsibility, correct?</p> <p>23 A. I don't understand your question.</p> <p>24 Q. Sure. So we were talking before about</p>	<p style="text-align: right;">Page 45</p> <p>1 have just spoken about those instances, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Would you agree with me that, in</p> <p>4 neither of those instances that you have just</p> <p>5 provided, the deputy warden who had site</p> <p>6 responsibility while the warden was on medical leave</p> <p>7 continued to have site responsibility of the</p> <p>8 facility upon the retirement of the warden?</p> <p>9 A. I would not agree.</p> <p>10 Q. Okay. So let's go per example.</p> <p>11 So the first example was</p> <p>12 Warden Lawton, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And Edward Miranda assumed site</p> <p>15 responsibility while Warden Lawton was on medical</p> <p>16 leave, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Did Edward Miranda continue to have</p> <p>19 site responsibility upon Warden Lawton's retirement?</p> <p>20 A. Yes, he did, until the facility closed and</p> <p>21 was depopulated, which was shortly thereafter. So</p> <p>22 there was a period where he continued to provide</p> <p>23 site responsibility for populated</p> <p>24 House of Correction until its closure.</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q. How long was that period?</p> <p>2 A. I would have to see the time period. We</p> <p>3 closed House of Correction in the spring of 2018.</p> <p>4 So that facility, once we started depopulating, it</p> <p>5 was not a significant period of time, but</p> <p>6 Deputy Warden Miranda remained there for a period of</p> <p>7 time until all of the population was transferred out</p> <p>8 and it was formally decommissioned.</p> <p>9 MR. COHEN: So I'll mark this as</p> <p>10 Carney Exhibit 8.</p> <p>11 (Whereupon Carney-8 was marked for</p> <p>12 identification.)</p> <p>13 BY MR. COHEN:</p> <p>14 Q. This is a 20-page document, Bates</p> <p>15 stamped City 1573 through 1592.</p> <p>16 So I think you said that House</p> <p>17 of Correction was closed in the spring of 2018; is</p> <p>18 that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Can you provide any more -- and I'm</p> <p>21 happy to look through these documents if they</p> <p>22 refresh your recollection as to when the facility</p> <p>23 was closed.</p> <p>24 So let me go, I guess, to --</p>	<p style="text-align: right;">Page 48</p> <p>1 responsibility of House of Correction after</p> <p>2 Warden Lawton's retirement?</p> <p>3 MR. SEIDMAN: Objection to form,</p> <p>4 asked and answered. She said she couldn't</p> <p>5 recall exactly.</p> <p>6 MR. COHEN: Yes, that's why I</p> <p>7 asked for an estimate.</p> <p>8 MR. SEIDMAN: If you can</p> <p>9 estimate, Commissioner.</p> <p>10 THE WITNESS: I cannot estimate,</p> <p>11 absent documents in front of me.</p> <p>12 BY MR. COHEN:</p> <p>13 Q. Was a transactional memorandum sent to</p> <p>14 prison staff regarding Deputy Warden Miranda</p> <p>15 continuing as to having site responsibility of</p> <p>16 House of Corrections upon Warden Lawton's</p> <p>17 retirement?</p> <p>18 A. No.</p> <p>19 Q. Why did you close the</p> <p>20 House of Corrections?</p> <p>21 A. The goal of Mayor Kenney was to decrease the</p> <p>22 prison population overall. And that was, in part,</p> <p>23 due to a safety and justice -- the MacArthur Safety</p> <p>24 and Justice Challenge Grant, which looked at jails</p>
<p style="text-align: right;">Page 47</p> <p>1 looking at page 6 of the document, which is</p> <p>2 Bates stamped 1578, is this helpful to provide you</p> <p>3 some clarification on when the facility was closed?</p> <p>4 A. This, yes. Looking at the dates, yes.</p> <p>5 Q. When was the facility closed? Can you</p> <p>6 provide that information?</p> <p>7 A. I don't have the exact date, but this is a</p> <p>8 transaction when we started to depopulate and</p> <p>9 transfer correctional staff to other facilities</p> <p>10 because of the impending closure of the House of</p> <p>11 Correction.</p> <p>12 Q. This document says, "Personnel</p> <p>13 transaction," correct?</p> <p>14 A. Correct.</p> <p>15 Q. And then going to the following page,</p> <p>16 page 7 of the document, it's also a memorandum</p> <p>17 regarding personnel transfer?</p> <p>18 A. Yes.</p> <p>19 Q. At the time Warden Lawton retired, did</p> <p>20 you know you were going to be closing</p> <p>21 House of Corrections?</p> <p>22 A. Yes.</p> <p>23 Q. Can you provide any estimate for how</p> <p>24 long Deputy Warden Miranda continued to have site</p>	<p style="text-align: right;">Page 49</p> <p>1 and prisons around the country that had a</p> <p>2 significantly high population and address criminal</p> <p>3 justice reform. And through that grant, we were</p> <p>4 able to work collectively with the criminal justice</p> <p>5 Philadelphia partners to identify individuals, with</p> <p>6 the goal of reducing the population by 50 percent.</p> <p>7 Q. Edward Miranda does not have a</p> <p>8 bachelor's degree, correct?</p> <p>9 A. I cannot recall that. I don't have that</p> <p>10 information in front of me.</p> <p>11 Q. Did you ever participate in a meeting</p> <p>12 with Edward Miranda regarding the requirement for a</p> <p>13 bachelor's degree for the warden position?</p> <p>14 A. Yes.</p> <p>15 Q. In that meeting, did you learn that he</p> <p>16 did not have a bachelor's degree?</p> <p>17 A. Based on my recollection of that meeting,</p> <p>18 yes.</p> <p>19 Q. Other than Edward Miranda continuing</p> <p>20 to have site responsibility of House of Corrections</p> <p>21 for some period of time before its closure, can you</p> <p>22 think of any other examples of a deputy warden</p> <p>23 continuing to have site responsibility of a facility</p> <p>24 upon the retirement of the warden, before August 21,</p>

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<p style="text-align: right;">Page 50</p> <p>1 2021?</p> <p>2 A. Not that I can recall at this time. And I'm</p> <p>3 thinking on this.</p> <p>4 Q. Was it your decision to have</p> <p>5 Edward Miranda continue to have site responsibility</p> <p>6 of House of Corrections after the retirement of</p> <p>7 Warden Lawton?</p> <p>8 A. Yes. Because he had it prior to the</p> <p>9 retirement of Warden Lawton.</p> <p>10 Q. When you made that decision to have</p> <p>11 Deputy Warden Miranda to continue having site</p> <p>12 responsibility upon the retirement of Warden Lawton,</p> <p>13 did you know that you were going to be closing</p> <p>14 House of Corrections?</p> <p>15 A. Yes.</p> <p>16 Q. Did you have any conversations with</p> <p>17 Deputy Commissioner Clark about the decision to</p> <p>18 assign Mr. Lacombe to have site responsibility of</p> <p>19 Riverside Correctional Facility upon</p> <p>20 Warden Talmadge's retirement?</p> <p>21 A. Can you repeat the question, please?</p> <p>22 Q. Sure.</p> <p>23 MR. COHEN: Actually, I'd like</p> <p>24 to take a 60-second comfort break, if that's</p>	<p style="text-align: right;">Page 52</p> <p>1 A. No.</p> <p>2 Q. When you assigned Mr. Lacombe site</p> <p>3 responsibility of Riverside Correctional Facility</p> <p>4 after Warden Talmadge's retirement, what were his</p> <p>5 job duties?</p> <p>6 A. I instructed and directed DC Clark that he</p> <p>7 would continue site responsibility, making sure that</p> <p>8 the facility operates efficiently and safely. I</p> <p>9 informed DC Beaufort of my decision for</p> <p>10 administrative purposes. And I informed DC Bagby,</p> <p>11 for notification purposes, that he would continue</p> <p>12 site responsibility to ensure the safety and</p> <p>13 security of the population and to ensure that the</p> <p>14 staff continue to provide services to the</p> <p>15 incarcerated population.</p> <p>16 Q. Is there any documentation you're</p> <p>17 aware of showing that directive that you gave?</p> <p>18 A. No.</p> <p>19 Q. Mr. Lacombe is currently the warden of</p> <p>20 Riverside Correctional Facility?</p> <p>21 A. Yes.</p> <p>22 Q. Are there any differences to</p> <p>23 Mr. Lacombe's job duties as warden of Riverside</p> <p>24 Correctional Facility and when he had site</p>
<p style="text-align: right;">Page 51</p> <p>1 all right with everyone.</p> <p>2 (Short recess taken at</p> <p>3 11:19 a.m.)</p> <p>4 (Proceedings resumed at</p> <p>5 11:22 a.m.)</p> <p>6 BY MR. COHEN:</p> <p>7 Q. I'll repeat the question. Thank you.</p> <p>8 Did you have any conversations</p> <p>9 with Deputy Commissioner Clark about the decision to</p> <p>10 assign Mr. Lacombe to have site responsibility of</p> <p>11 Riverside Correctional Facility upon</p> <p>12 Warden Talmadge's retirement?</p> <p>13 A. No.</p> <p>14 Q. Did you have any conversations with</p> <p>15 Deputy Commissioner Beaufort about the decision to</p> <p>16 assign Mr. Lacombe to have site responsibility of</p> <p>17 Riverside Correctional Facility upon</p> <p>18 Warden Talmadge's retirement?</p> <p>19 A. No.</p> <p>20 Q. Did you have any conversations with</p> <p>21 Deputy Commissioner Bagby about the decision to</p> <p>22 assign Mr. Lacombe to have site responsibility of</p> <p>23 Riverside Correctional Facility upon</p> <p>24 Warden Talmadge's retirement?</p>	<p style="text-align: right;">Page 53</p> <p>1 responsibility of Riverside Correctional Facility</p> <p>2 after Warden Talmadge's retirement?</p> <p>3 A. Yes.</p> <p>4 Q. What are those differences?</p> <p>5 A. Warden Lacombe, at that time, could not take</p> <p>6 any disciplinary action against a fellow</p> <p>7 deputy warden.</p> <p>8 Q. Are there any differences to</p> <p>9 Mr. Lacombe's job duties from the period where he</p> <p>10 had site responsibility of Riverside Correctional</p> <p>11 Facility before Warden Talmadge's retirement and</p> <p>12 from the period where he had site responsibility of</p> <p>13 Riverside Correctional Facility after</p> <p>14 Warden Talmadge's retirement?</p> <p>15 A. Can you repeat that question? I believe I</p> <p>16 answered that.</p> <p>17 Q. I'll repeat it. It's a different</p> <p>18 question.</p> <p>19 You answered the question</p> <p>20 regarding any differences between when he -- now</p> <p>21 that he is warden and when he had site</p> <p>22 responsibility. My question is -- so let me start</p> <p>23 this way.</p> <p>24 You've said there was some</p>

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<p style="text-align: right;">Page 54</p> <p>1 period of time where Pierre Lacombe had site 2 responsibility of Riverside Correctional Facility 3 before Warden Talmadge retired, correct? 4 A. Yes. 5 Q. Do you know how long that was, or can 6 you provide any estimate for how long that period 7 was? 8 A. I cannot, absent documentation. 9 Q. Is there any documentation that shows 10 that? 11 A. I would have to look at the leave record for 12 Warden Talmadge at the time. 13 Q. My question is, is there any 14 difference in the job duties that Mr. Lacombe had 15 for the period where he had site responsibility of 16 Riverside Correctional Facility prior to 17 Warden Talmadge's retirement and the period where he 18 had site responsibility of Riverside Correctional 19 Facility after Warden Talmadge's retirement? 20 A. Yes. 21 Q. What are those differences? 22 A. The discipline of a fellow deputy warden. 23 Also, he could not make executive financial 24 decisions at that level.</p>	<p style="text-align: right;">Page 56</p> <p>1 a little bit then. 2 There was a period where Pierre 3 Lacombe had site responsibility of Riverside 4 Correctional Facility before Warden Talmadge 5 retired, correct? 6 A. Yes. 7 Q. And then there is a period where he 8 had site responsibility of Riverside Correctional 9 Facility after Warden Talmadge retired, correct? 10 A. Yes. 11 Q. And then he was promoted to be the 12 warden on December 26, 2022, correct? 13 A. Yes. 14 Q. So I'm asking about the difference in 15 his job duties between the first period and the 16 second period, in other words, the period before 17 Warden Talmadge retired where he had site 18 responsibility and then the period after 19 Warden Talmadge retired where he had site 20 responsibility. 21 Do you understand? 22 A. Yes. And there were no differences, because 23 he was doing the same exact thing, just with the 24 exception of her retirement.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Can you explain those two, please? 2 A. So as a deputy warden, you cannot discipline 3 a fellow deputy warden. You need a higher rank to 4 effectuate that. 5 And if the facility was in need 6 of any funding decisions, executive that required 7 additional funding or monies beyond overtime, he 8 could not make those executive-level decisions as a 9 deputy warden. 10 Q. Just so I understand your testimony, 11 that's the difference between -- those differences 12 are from when he had site responsibility prior to 13 Warden Talmadge's retirement and when he had site 14 responsibility after Warden Talmadge's retirement, 15 correct? 16 A. They are examples. 17 Q. So when Pierre Lacombe had site 18 responsibility of Riverside Correctional Facility 19 after Warden Talmadge's retirement, he was able to 20 make financial decisions regarding the facility? 21 A. No. I said that he could not make those 22 decisions as a deputy warden, as I understood your 23 question. 24 Q. I think we're talking past each other</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Prior to Warden Talmadge's retirement, 2 where Pierre Lacombe had site responsibility, did he 3 need her approval for any of his actions? 4 A. He would have needed approval. She was out 5 on extended sick. I would need to know what 6 you're -- operationally, he's safety and security. 7 If there was something as a deputy warden that he 8 needed approval, that would have come through then 9 his direct report supervisor, who was 10 Deputy Commissioner Clark. 11 Q. As commissioner, have you ever put a 12 woman in a position where she did not meet the 13 minimum education for that position? 14 A. No. 15 Q. Michele Farrell was the warden of 16 Philadelphia Industrial Correctional Center at the 17 time of her retirement, correct? 18 A. Yes. 19 Q. Do you know when 20 Warden Michele Farrell retired as warden of 21 Philadelphia Industrial Correctional Center? 22 A. I do not recall the date. 23 MR. COHEN: I'll mark this as 24 Carney Exhibit 9.</p>

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<p style="text-align: right;">Page 58</p> <p>1 (Whereupon Carney-9 was marked for 2 identification.) 3 BY MR. COHEN: 4 Q. And, Commissioner, do you see that 5 this is the Work History Detail for Warden Farrell? 6 A. Yes. 7 Q. And that, per this document, the 8 effective date of her retirement was May 13th, 2022? 9 A. Yes. 10 Q. Do you have any reason to doubt that? 11 A. No. 12 Q. Was Norman Williams deputy warden of 13 operations at Philadelphia Industrial Correctional 14 Center when Warden Michele Farrell retired? 15 A. Yes. 16 Q. When Warden Michele Farrell retired as 17 warden of Philadelphia Industrial Correctional 18 Center, was Norman Williams given site 19 responsibility for Philadelphia Industrial 20 Correctional Center? 21 A. Yes. 22 Q. How soon after Warden Farrell's 23 retirement was Norman Williams given site 24 responsibility for Philadelphia Industrial</p>	<p style="text-align: right;">Page 60</p> <p>1 have several advisory boards. That's why I asked 2 for clarification, absent this document presented. 3 Q. You're welcome. 4 A. So according to this document, this advisory 5 board, yes. 6 Q. Do you agree that a position's 7 specifications can be changed through this advisory 8 board? 9 A. Yes. 10 Q. Is there another way that a position's 11 specifications can be changed? 12 A. No. 13 Q. So then, do you agree that any change 14 to a position's specifications has to be done 15 through the advisory board? 16 A. For official promotions. It does not speak 17 to interim or directives for department. 18 Q. Can you elaborate on that, please? 19 A. My directive for those deputy wardens to 20 continue on, there is no language in this document 21 that would prohibit me from doing that. 22 Q. Do you know when the advisory board 23 approved and finalized proposed changes to the 24 minimum education requirement to qualify for the</p>
<p style="text-align: right;">Page 59</p> <p>1 Correctional Center? 2 A. After she retired. 3 Q. Who had site responsibility for 4 Philadelphia Industrial Correctional Center on 5 May 14th, 2022, a day after Warden Farrell's 6 retirement? 7 A. Norman Williams. 8 Q. Was the minimum education requirement 9 to qualify for the warden position changed in 2022? 10 A. I believe it was. I would have to refer 11 back to the actual job announcement for certainty. 12 Q. Do you agree that any change to a 13 position's specifications has to be done through the 14 advisory board? 15 A. No. 16 Q. Can a position's specifications be 17 changed through the advisory board? 18 A. For clarification, can you specify what 19 advisory board? 20 Q. So going back to Carney Exhibit 2, on 21 the last page, here at the end here, do you see 22 where it says, "Latest Spec Revision: CSC - 9/14, 23 Ad. Board - 11/14"? 24 A. Yes. Thank you for sharing that, because I</p>	<p style="text-align: right;">Page 61</p> <p>1 warden position? 2 A. I do not have the exact date, but the 3 update -- the most current should have the date 4 reflected that the advisory board made the decision. 5 MR. COHEN: I will share my 6 screen, and I will mark this as Carney 7 Exhibit 10. 8 (Whereupon Carney-10 was marked for 9 identification.) 10 BY MR. COHEN: 11 Q. It is a two-page document, Bates 12 stamped at the bottom City 1562, and then a second 13 page is City 1561. Do you see that? 14 A. Yes. 15 Q. So I will give you an opportunity to 16 review this document. Please let me know when you'd 17 like me to change the page. 18 And I guess it probably makes 19 sense to start -- well, you tell me. Where would 20 you like to start? 21 A. You want to start at the beginning? 22 Q. Sure. The only reason I was 23 potentially doing it that way is because, you know, 24 it's an e-mail thread, so it goes backwards. But</p>

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<p style="text-align: right;">Page 62</p> <p>1 I'm happy to start here.</p> <p>2 Do you want me to make it</p> <p>3 bigger?</p> <p>4 A. Yes, please. That would help. Okay.</p> <p>5 (Brief pause.)</p> <p>6 THE WITNESS: Okay, if you could</p> <p>7 advance.</p> <p>8 (Brief pause.)</p> <p>9 THE WITNESS: Okay.</p> <p>10 BY MR. COHEN:</p> <p>11 Q. All right. Are you finished reviewing</p> <p>12 the document?</p> <p>13 A. Yes.</p> <p>14 Q. Does looking at this exhibit,</p> <p>15 Carney Exhibit 10, refresh your recollection as to</p> <p>16 when the advisory board approved and finalized the</p> <p>17 proposed changes to the minimum education</p> <p>18 requirement to qualify for the warden position?</p> <p>19 A. Yes.</p> <p>20 Q. And when was that done?</p> <p>21 A. Can you scroll back?</p> <p>22 So based on this, therefore, we</p> <p>23 recommend bringing the spec back to Civil Service at</p> <p>24 the July public meeting on July 20th, 2022 to</p>	<p style="text-align: right;">Page 64</p> <p>1 completed a bachelor's degree program at an</p> <p>2 accredited college or university?</p> <p>3 A. I don't recall. I would have to look at his</p> <p>4 file. I don't recall with certainty.</p> <p>5 Q. The meeting that we spoke about a</p> <p>6 little bit ago with Mr. Miranda, was Mr. Williams</p> <p>7 also at that meeting?</p> <p>8 A. Yes.</p> <p>9 Q. Was Mr. Lacombe at that meeting?</p> <p>10 A. Yes.</p> <p>11 Q. Was William Vetter at that meeting?</p> <p>12 A. Yes.</p> <p>13 Q. Was Deputy Commissioner Clark at that</p> <p>14 meeting?</p> <p>15 A. I don't believe he was at that meeting,</p> <p>16 based on my recollection.</p> <p>17 Q. Is there anyone else you can think of</p> <p>18 that was at that meeting?</p> <p>19 A. William Vetter. I believe Greg Vrato,</p> <p>20 Miranda, Williams. That's all I can recall.</p> <p>21 Q. At the time of the meeting, was</p> <p>22 Mr. Miranda a deputy warden?</p> <p>23 A. Yes.</p> <p>24 Q. Was Mr. Vetter a deputy warden?</p>
<p style="text-align: right;">Page 63</p> <p>1 correct this, the scheduled announcement for</p> <p>2 7/11/22.</p> <p>3 So it seems like July 20th,</p> <p>4 2022, if I'm reading that correctly.</p> <p>5 Q. I will direct your attention to the</p> <p>6 first sentence from Ms. LaBletta, where she says</p> <p>7 that the requirements revised in May were approved</p> <p>8 and finalized by the Ad. Board on June 10th.</p> <p>9 A. I see that.</p> <p>10 Q. Okay. Is June 10th the date, to your</p> <p>11 understanding, of when the Ad. Board approved and</p> <p>12 finalized the proposed changes to the minimum</p> <p>13 education requirement to qualify for the warden</p> <p>14 position?</p> <p>15 A. Yes.</p> <p>16 Q. Until June 10th, 2022, do you agree</p> <p>17 that, for someone to meet the education requirement</p> <p>18 to be qualified to be a warden, they needed to have</p> <p>19 completed a bachelor's degree program at an</p> <p>20 accredited college or university?</p> <p>21 A. Based on OHR's specification at that time.</p> <p>22 Q. So is that a yes?</p> <p>23 A. Based on their specification.</p> <p>24 Q. On May 14th, 2022, had Norman Williams</p>	<p style="text-align: right;">Page 65</p> <p>1 A. Yes.</p> <p>2 Q. Was Mr. Lacombe a deputy warden?</p> <p>3 A. Yes.</p> <p>4 Q. Was Mr. Williams a deputy warden?</p> <p>5 A. Yes.</p> <p>6 Q. Was the point of the meeting to try</p> <p>7 and get rid of the bachelor's degree requirement for</p> <p>8 the warden position?</p> <p>9 A. I don't recall that was the reason for the</p> <p>10 meeting. The reason for the meeting, the gentleman</p> <p>11 referenced, Louis Giorla, did not have a degree and</p> <p>12 was appointed warden. That was the former</p> <p>13 commissioner of the Philadelphia</p> <p>14 Department of Prisons. That decision I had nothing</p> <p>15 to do with. And he was appointed warden without a</p> <p>16 degree. And that was the reason for that meeting.</p> <p>17 They wanted me to know that.</p> <p>18 Q. Do you know when that appointment was</p> <p>19 made?</p> <p>20 A. No, I do not.</p> <p>21 Q. Warden is a Civil Service position,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Can wardens be appointed?</p>

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<p style="text-align: right;">Page 66</p> <p>1 A. Yes. In that case. And that's above my pay 2 grade, and I don't know who -- how he was appointed 3 or if he took an exam, absent his records. But I 4 can attest that Louis Giorla was a warden at one 5 point. 6 Q. Is it your testimony that the Civil 7 Service Regulations permit appointment of wardens? 8 A. There is a process. I cannot answer who and 9 what department. 10 I don't have Lou Giorla's 11 records. I'm attesting he was a warden, and that 12 they -- all of those individuals -- raised that he 13 did not have a degree. 14 Q. Right. I'm not asking about him 15 specifically. I'm asking you whether or not wardens 16 can be appointed. 17 A. I don't believe they can. However, based on 18 my knowledge about Warden Giorla, I don't know the 19 specifics and what went into that. 20 They brought that to my 21 attention. They wanted me to know that. Based on 22 what I know, the warden's position is a Civil 23 Service position. 24 Q. And why did they want you to know</p>	<p style="text-align: right;">Page 68</p> <p>1 that can be done at the department level. 2 Q. You assigned Norman Williams to have 3 site responsibility after Warden Farrell retired, 4 correct? 5 A. Yes. 6 Q. Is there any documentation showing 7 that assignment? 8 A. No. 9 Q. Did you have any conversations with 10 Deputy Commissioner Clark about the decision to 11 assign Mr. Williams to have site responsibility of 12 Philadelphia Industrial Correctional Center upon 13 Warden Farrell's retirement? 14 A. Not about my decision, but I gave him the 15 directive that Deputy Warden Williams would retain 16 site responsibility. 17 Q. Same question regarding 18 Deputy Commissioner Beaufort. 19 A. Not regarding my input for decision, but 20 that administratively to notify him that 21 Deputy Warden Norman Williams will retain site 22 responsibility. 23 Q. And same question regarding 24 Deputy Commissioner Bagby.</p>
<p style="text-align: right;">Page 67</p> <p>1 that? 2 A. I believe they wanted me to know that 3 because they wanted and expressed interest in being 4 a warden, similar to Louis Giorla. 5 Q. When you say "similar to Louis 6 Giorla," do you mean without having a bachelor's 7 degree from an accredited college or university? 8 A. Yes. 9 Q. And am I correct that, during that 10 meeting, you told them that, to be a warden, they 11 needed a bachelor's degree from an accredited 12 college or university? 13 A. Yes. Based on the specs at that time. 14 Q. Was that meeting before the covid 15 pandemic? 16 A. Yes. 17 Q. The Office of Human Resources did not 18 make a determination that Mr. Williams was 19 acceptable to have site responsibility of 20 Philadelphia Industrial Correctional Center based 21 upon his education and experience after 22 Warden Farrell retired, correct? 23 A. They would not have made a determination, 24 because he was not applying for the position. And</p>	<p style="text-align: right;">Page 69</p> <p>1 A. Same response, for notification purposes. 2 Not in my decision-making. 3 Q. Did any of the deputy commissioners 4 provide any input to you? 5 A. No. 6 Q. What were Mr. Williams' job duties 7 when he had site responsibility of Philadelphia 8 Industrial Correctional Center after 9 Warden Farrell's retirement? 10 A. To ensure the continuation of safe and 11 efficient operations of the Philadelphia Industrial 12 Correctional Facility, to direct the staff, and 13 ensure services were provided to the incarcerated 14 population. 15 Q. Mr. Williams was promoted to be the 16 warden of Philadelphia Industrial Correctional 17 Center effective December 26th, 2022? 18 A. Correct. 19 Q. What differences, if any, are there 20 regarding Mr. Williams' job duties as warden of 21 Philadelphia Industrial Correctional Center and when 22 he had site responsibility of Philadelphia 23 Industrial Correctional Center after 24 Warden Farrell's retirement?</p>

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<p style="text-align: right;">Page 70</p> <p>1 A. He could take corrective action as a warden 2 with his subordinate deputy warden and staff inside 3 the facility. He could also make financial 4 decisions for the facility. 5 Q. What type of financial decisions? 6 A. Financial decisions for additional request 7 for funding for specific projects, new projects. He 8 could request or make recommendations for new 9 services or technology. As a warden, as the highest 10 level, you're looking over all operationally, and he 11 could do that as a warden, that he could not have 12 commanded that level of responsibility as a 13 deputy warden. 14 Q. Who would he make those requests to as 15 a warden? 16 A. His immediate supervisor, who was then 17 Deputy Commissioner Clark. 18 Q. And you say "then Deputy Commissioner 19 Clark." Is that because Norman Williams is no 20 longer the warden of Philadelphia Industrial 21 Correctional Center? 22 A. He is no longer the warden of Philadelphia 23 Industrial Correctional Center and 24 Deputy Commissioner Clark is retired.</p>	<p style="text-align: right;">Page 72</p> <p>1 (Luncheon recess taken at 2 11:55 a.m.) 3 (Proceedings resumed at 4 12:44 p.m.) 5 BY MR. COHEN: 6 Q. Do you remember from earlier that 7 Warden John Delaney retired on July 3rd, 2020? 8 A. Yes. 9 Q. At the time of his retirement, there 10 were four wardens in the Philadelphia 11 Department of Prisons, correct? 12 A. Yes. 13 Q. Before Warden Delaney retired, did you 14 take any steps to eliminate one of the four warden 15 positions? 16 A. Yes. 17 Q. What were those steps? 18 A. Based on the reduction, we had reached a 19 50 percent reduction in our population for the 20 overall census. And we achieved that through the 21 MacArthur Safety and Justice Challenge Grant. 22 Based on that, our female 23 population significantly reduced to roughly 230 24 female incarcerated people at Riverside. That was</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Right. So, as warden, Mr. Williams 2 could make these financial requests to 3 Deputy Commissioner Clark, correct? 4 A. Yes. 5 Q. As when he had site responsibility of 6 Philadelphia Industrial Correctional Center after 7 Michele Farrell's retirement on May 13th, 2022, who 8 would he make requests to regarding financial issues 9 for Philadelphia Industrial Correctional Center? 10 A. Deputy Commissioner Clark. 11 Q. Same question regarding Pierre Lacombe 12 when he had site responsibility of Riverside 13 Correctional Facility after Warden Talmadge's 14 retirement. 15 A. Deputy Commissioner Clark. 16 Q. And same question for Steven Angelucci 17 when he had site responsibility of Curran-Fromhold 18 Correctional Center after Warden Giannetta's 19 retirement. 20 A. Deputy Commissioner Clark. 21 MR. COHEN: David, this might be 22 a good time to break. 23 MR. SEIDMAN: Okay, that would 24 be perfect.</p>	<p style="text-align: right;">Page 73</p> <p>1 the lowest we had been in years. 2 At that point, I then decided, 3 based on the data of the low census in the female 4 population, to transfer Cathy Talmadge from the 5 Detention Center over to Riverside Correctional 6 Facility to manage the female population, as well as 7 the male population, to give equity in how the 8 wardens operated. 9 CFCF warden was responsible for 10 roughly 22- to 2300 on average on any given day of 11 incarcerated people at their facility. The 12 Philadelphia Industrial Correctional Facility could 13 average roughly between 12- and 1600 on any given 14 day. Warden Talmadge was left with a little less 15 than about 500 adult men. 16 So to assure equity amongst the 17 wardens, that was the data I used to make the 18 decision. 19 Q. So when was Warden Talmadge 20 transferred to become the warden of the 21 Detention Center? 22 A. I can't recall. I would have to review her 23 transaction record. 24 Q. So my question was, what steps, if</p>

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<p style="text-align: right;">Page 74</p> <p>1 any, did you take before Warden Delaney retired to 2 eliminate one of the four warden positions? So, in 3 other words, before July 3rd of 2020, what steps 4 were taken?</p> <p>5 A. I don't believe steps were taken before 6 then, but I would need to review the record. 7 Because as I just shared with you, the reduction in 8 the female incarcerated population was a significant 9 driver for the data point that I used to not have a 10 warden at Riverside overseeing 230 women, as 11 compared to CFCF and PICC, who they were responsible 12 for well over 16- to 2,000 -- or 2200 individuals on 13 any given day.</p> <p>14 But I would need to see those 15 documents to give you a firm answer.</p> <p>16 Q. When you say "those documents," what 17 documents?</p> <p>18 A. The transactions that you have, to give me 19 some idea of when they were appointed.</p> <p>20 I know I did not appoint 21 Warden Talmadge. She was in position prior to my 22 appointment. So I can't speak to when she was 23 assigned to DC. That was your question.</p> <p>24 And if it is the time frame for</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. And other than that transaction memo, 2 are there any other documents that would reflect any 3 steps taken to eliminate one of the four warden 4 positions prior to John Delaney's retirement on 5 July 3rd, 2020?</p> <p>6 A. No, not necessarily.</p> <p>7 Q. How many wardens are there currently?</p> <p>8 A. There are three wardens currently.</p> <p>9 Q. How many vacancies for warden are 10 there?</p> <p>11 A. I have two positions are not filled, and 12 they are for the Detention Center and the House of 13 Correction.</p> <p>14 Q. When you say there are two positions 15 that are not filled, is that different than a 16 vacancy?</p> <p>17 A. A vacancy is a vacancy, but not filled is at 18 the discretion and can be at the discretion of the 19 department. Just because we have positions, we are 20 not obligated to fill every single vacancy.</p> <p>21 Q. So currently, if I'm understanding 22 your testimony, there are three wardens and two 23 facilities that do not have a filled warden 24 position; is that correct?</p>
<p style="text-align: right;">Page 75</p> <p>1 when I made the change not to fill the position for 2 the Detention Center warden, given the low census, I 3 would have to review our transaction forms for that.</p> <p>4 Q. So is it your testimony there should 5 be some form showing when Warden Talmadge became the 6 warden of the Detention Center?</p> <p>7 A. There should be. It didn't happen after me, 8 but normally when a warden is promoted, then there 9 is a transaction to show the facility for which that 10 warden will have responsibility.</p> <p>11 Q. At the time Warden Talmadge became the 12 warden of the Detention Center, she was already a 13 warden, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. So that would not be a memorialization 16 of a promotion, correct?</p> <p>17 A. It could be a memorialization of a promotion 18 or facility responsibility.</p> <p>19 Q. So when an individual takes over 20 responsibility of a facility, is there a document 21 that reflects that?</p> <p>22 A. If they are a warden, and then there is site 23 responsibility as a warden, there should be 24 documentation, a transaction memo to that effect.</p>	<p style="text-align: right;">Page 77</p> <p>1 A. That is not correct. Based on our 2 complement for our class 100s, it's easier to keep a 3 position on as a budget line rather than to go back 4 for it and make a request to add that funding back.</p> <p>5 The Detention Center is under, 6 and was under, Cathy Talmadge when she was warden 7 before her retirement. The House of Corrections was 8 decommissioned and closed. There is no population 9 there.</p> <p>10 Q. So is the warden position for the 11 House of Corrections vacant?</p> <p>12 A. Yes.</p> <p>13 Q. Is there any plan to fill the warden 14 position for the House of Correction?</p> <p>15 A. No.</p> <p>16 Q. Is the warden position for the 17 Detention Center vacant?</p> <p>18 A. Yes. Because that facility is now under the 19 site responsibility of the warden for the Riverside 20 Correctional Facility, and that was put in place at 21 the time that Cathy Talmadge was the warden, given 22 the significant drop in the incarcerated population.</p> <p>23 Q. Is there any plan to fill the warden 24 position at the Detention Center?</p>

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<p style="text-align: right;">Page 78</p> <p>1 A. No.</p> <p>2 Q. Did you make the decision to have</p> <p>3 three instead of four wardens for the department?</p> <p>4 A. Yes, based on the 50 percent reduction in</p> <p>5 the incarcerated population.</p> <p>6 Q. When did you make that decision?</p> <p>7 A. Based on my recollection, that may have been</p> <p>8 in 2019, when we saw the population reduction in</p> <p>9 advance of the covid pandemic.</p> <p>10 Q. The department had four wardens until</p> <p>11 July 3rd of 2020, correct?</p> <p>12 A. I believe so, yes.</p> <p>13 Q. Are you aware of any documentation</p> <p>14 showing that you made the decision to have three</p> <p>15 instead of four wardens in 2019?</p> <p>16 A. I would have to review my files. I believe,</p> <p>17 based on my recollection, it was in 2019.</p> <p>18 Q. As you sit here today, are you aware</p> <p>19 of any documentation showing when you made that</p> <p>20 decision?</p> <p>21 A. I answered that question. I would have to</p> <p>22 take a look to see if I have anything. I am not</p> <p>23 recalling it, and I'm not saying it doesn't exist.</p> <p>24 I don't have it here, but I answered that.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. And when you say --</p> <p>2 A. Go ahead.</p> <p>3 Q. No, you go ahead.</p> <p>4 A. No, no, you go ahead.</p> <p>5 Q. Okay. When you say "a step in the</p> <p>6 right direction," do you mean the decision to move</p> <p>7 from four wardens to three wardens?</p> <p>8 A. Yes. And to utilize how we utilize our</p> <p>9 positions and manage the population.</p> <p>10 Q. Does the department submit a yearly</p> <p>11 budget?</p> <p>12 A. Yes.</p> <p>13 Q. Have you submitted a budget for 2024?</p> <p>14 A. Yes.</p> <p>15 Q. How many warden positions were</p> <p>16 submitted for the 2024 budget?</p> <p>17 A. I believe there were still four positions</p> <p>18 that we submitted as line item.</p> <p>19 Q. For the years 2020 through 2023, the</p> <p>20 Philadelphia Department of Prisons' budget has</p> <p>21 included four warden positions, correct?</p> <p>22 A. Based on my recollection, yes.</p> <p>23 Q. And that is because the Philadelphia</p> <p>24 Department of Prisons operates four facilities;</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Did you get any feedback from any of</p> <p>2 the deputy commissioners before making the decision</p> <p>3 to have three instead of four wardens?</p> <p>4 A. I did confer, based on the data. We had</p> <p>5 been monitoring the population reduction since the</p> <p>6 House of Corrections. That was an ongoing data</p> <p>7 point that we discussed with the goal that it was</p> <p>8 supposed to reduce the population by half. The</p> <p>9 benchmark of the population was 8084 -- or 8031, I</p> <p>10 believe. And through our efforts, we were working</p> <p>11 to decrease that population.</p> <p>12 So we were constantly monitoring</p> <p>13 that data point and to show equity amongst our</p> <p>14 wardens. So that was an active discussion as part</p> <p>15 of our planning for the campus of the prisons and</p> <p>16 utilization of our positions.</p> <p>17 Q. What feedback -- and from whom -- do</p> <p>18 you remember receiving from the deputy commissioners</p> <p>19 regarding the decision to go from four to three</p> <p>20 wardens?</p> <p>21 A. All of the deputy commissioners, Beaufort,</p> <p>22 Clark, and Bagby, discussed the reduction,</p> <p>23 acknowledged it was a step in the right direction,</p> <p>24 and raised no objection.</p>	<p style="text-align: right;">Page 81</p> <p>1 namely, Curran-Fromhold Correctional Facility, the</p> <p>2 Detention Center, Philadelphia Industrial</p> <p>3 Correctional Center, and Riverside Correctional</p> <p>4 Facility, correct?</p> <p>5 A. That is correct, when we were at full</p> <p>6 capacity.</p> <p>7 Q. The Detention Center has not closed</p> <p>8 since Warden Delaney's retirement, correct?</p> <p>9 A. That is correct.</p> <p>10 Q. And it has never closed?</p> <p>11 A. It was depopulated completely in 2019 or</p> <p>12 2020, when we transferred the female population from</p> <p>13 Riverside over to ASD. The wing at the</p> <p>14 Detention Center that never closed was the prison</p> <p>15 health services wing, and that was because of</p> <p>16 nearing and approaching the 50 percent reduction in</p> <p>17 the overall incarcerated population census.</p> <p>18 Q. Is there any documentation you're</p> <p>19 aware of showing that the Detention Center became a</p> <p>20 satellite of Riverside Correctional Facility?</p> <p>21 A. Yes. I believe I sent around an e-mail to</p> <p>22 that effect and notifying the parties that Riverside</p> <p>23 would now have site responsibility for the</p> <p>24 Detention Center, given that reduction.</p>

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<p style="text-align: right;">Page 82</p> <p>1 Q. Warden Talmadge was made warden of 2 Riverside Correctional Facility, the 3 Detention Center, and Alternative and Special 4 Detention, correct? 5 A. Correct. 6 Q. Did anyone express their opinion to 7 you that one individual should not be the warden of 8 all three locations? 9 A. No. And this is not unique. When we were 10 at full capacity, meaning we had about 9,000 11 incarcerated people, the warden for the Alternative 12 and Special Detention had site responsibility for 13 two satellite sites that were not located on the 14 prison's campus here. They were located in the 15 community. So this is not a unique experience for 16 that to occur. 17 Q. Prior to Warden Talmadge being the 18 warden of both the Riverside Correctional Facility 19 and the Detention Center, had a warden been warden 20 of more than one facility? 21 A. Yes. 22 Q. Who was that? 23 A. That, at that time, I believe was 24 Arthur Blackman. Arthur Blackman was a warden who</p>	<p style="text-align: right;">Page 84</p> <p>1 Carney Exhibit 11. 2 (Whereupon Carney-11 was marked for 3 identification.) 4 BY MR. COHEN: 5 Q. It is a three-page document, Bates 6 stamped City 1831 through 1833. 7 Looking at this exhibit, this is 8 the eligible list for warden established 9 February 21, 2020, correct? 10 A. I'm not seeing that here on that 11 transaction. You said -- okay. I see 2/21/20 on 12 this document. It's not on your original e-mail. 13 Q. Looking at the first page of the 14 exhibit, it states that there is a copy attached to 15 the e-mail of the established list, correct? 16 A. Correct. 17 Q. And then if you go up to the top, 18 there is an attachment there, correct? 19 A. Correct. 20 Q. And the number corresponding to the 21 attachment is the same number in parenthesis on 22 page 2 of the document, correct? 23 A. I would need to compare. I can write it 24 down just -- so give me a moment.</p>
<p style="text-align: right;">Page 83</p> <p>1 has since retired. And then subsequent to 2 Arthur Blackman, it was Karen Bryant, who is 3 retired. And they had responsibility for the 4 Alternative Special Detention, Triple C here, 5 Central Unit, 17th and Cambria in the community, and 6 those were their additional site -- facility site 7 responsibilities. 8 And at one point, we also had a 9 facility at 1600 -- in the southwest -- University 10 Avenue. And the Alternative and Special Detention 11 warden had site responsibility for that offsite 12 satellite -- well, it was a facility, actually. 13 Q. What's the difference between a 14 satellite and a facility? 15 A. A facility is a freestanding, standalone, or 16 sat -- and it can be referred to as a satellite when 17 it has a smaller significant population as compared 18 to the population size here on State Road. And 19 those populations were much smaller. 20 Q. Which populations? 21 A. The 600 University Avenue and 17th and 22 Cambria. 23 MR. COHEN: I'm sharing my 24 screen and showing you what I'll mark as</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Sure. 2 (Brief pause.) 3 THE WITNESS: Okay. If I can 4 see the attachment? 5 MR. COHEN: Yes. 6 (Brief pause.) 7 THE WITNESS: The numbers are 8 correct, yes. 9 BY MR. COHEN: 10 Q. The list was established by the Office 11 of Human Resources, correct? 12 A. Correct. 13 I'm closing my blinds. I'm 14 getting sun in my face. 15 MR. SEIDMAN: Commissioner, if 16 you ever need a break for a drink of water or 17 for comfort, feel free, please. Okay? 18 THE WITNESS: Thank you. 19 BY MR. COHEN: 20 Q. Before the Office of Human Resources 21 established this list, the Philadelphia 22 Department of Prisons asked for the list to be 23 created, correct? 24 A. Yes.</p>

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<p style="text-align: right;">Page 86</p> <p>1 Q. Who made the decision to request the</p> <p>2 warden list established February 21, 2020 to be</p> <p>3 created?</p> <p>4 A. I believe that would have come from HR,</p> <p>5 because there was an exam.</p> <p>6 Q. When you say "HR --"</p> <p>7 A. Our department, the prison's HR department.</p> <p>8 Q. So it's your understanding that the</p> <p>9 decision to request the warden list established</p> <p>10 February 21, 2020, to be created was made by the</p> <p>11 Human Resources Department for the Philadelphia</p> <p>12 Department of Prisons?</p> <p>13 A. Yes, that is my understanding, because</p> <p>14 that's the normal process; when there is an exam,</p> <p>15 they request a certification list.</p> <p>16 Q. Would that have been Sherell Maxwell</p> <p>17 at the time, back in late 2019, early 2020?</p> <p>18 A. I would have to confirm, because Ms. Maxwell</p> <p>19 transferred from another department to become our</p> <p>20 HR. So I cannot say, absent looking at her actual</p> <p>21 transfer date.</p> <p>22 Q. As Commissioner, were you at all</p> <p>23 involved in the decision to request the warden list</p> <p>24 that was established February 21, 2020, to be</p>	<p style="text-align: right;">Page 88</p> <p>1 corrections.</p> <p>2 The people we had in place at</p> <p>3 that time, they were managing those facilities, and</p> <p>4 our day-to-day focus was dealing with Covid-19 and</p> <p>5 every curveball that it threw to us on a daily basis</p> <p>6 and hourly basis. So that was not at the top of my</p> <p>7 list.</p> <p>8 Q. The Philadelphia Department of Prisons</p> <p>9 was not impacted by Covid-19 prior to February 21,</p> <p>10 2020, correct?</p> <p>11 A. That's not true. The onset of Covid-19 was</p> <p>12 March of 2020. Okay, go ahead. You said 2021. It</p> <p>13 wasn't impacted prior to 2021. Did I hear that</p> <p>14 correctly?</p> <p>15 Q. No.</p> <p>16 A. Okay. Can you restate your question?</p> <p>17 Q. Sure. Prior to February 21, 2020, the</p> <p>18 Philadelphia Department of Prisons had not been</p> <p>19 impacted by the Covid-19 pandemic, correct?</p> <p>20 A. February 20th, that's correct. Shy one</p> <p>21 month.</p> <p>22 Q. And when I asked you whether or not</p> <p>23 prior to February 21st, 2020 the Philadelphia</p> <p>24 Department of Prisons had an anticipated need for a</p>
<p style="text-align: right;">Page 87</p> <p>1 created?</p> <p>2 A. Not to my knowledge. That's handled through</p> <p>3 my deputy commissioner for administration, who is</p> <p>4 Xavier Beaufort. And he has site responsibility and</p> <p>5 can also request that list.</p> <p>6 Q. When you say "he has site</p> <p>7 responsibility," what does he have site</p> <p>8 responsibility of, in relation to your answer to</p> <p>9 that last question?</p> <p>10 A. He oversees our human resources, HR, and</p> <p>11 payroll department. And he stays abreast of the</p> <p>12 day-to-day positions and operations and workings of</p> <p>13 that unit.</p> <p>14 Q. Was there an anticipated need to have</p> <p>15 a promotional list for warden prior to February 21,</p> <p>16 2020?</p> <p>17 A. Based on the time, I don't believe so. We</p> <p>18 were in the throes of Covid-19. And Covid-19 was</p> <p>19 very challenging. The years of Covid-19 were very</p> <p>20 challenging.</p> <p>21 During that time, it was not on</p> <p>22 my mind to fill with wardens, because we were</p> <p>23 dealing with something that pretty much shut the</p> <p>24 entire world down and significantly impacted</p>	<p style="text-align: right;">Page 89</p> <p>1 warden promotional list, your response pertained to</p> <p>2 the Covid-19 pandemic, correct?</p> <p>3 A. That is correct. And I misheard your</p> <p>4 question, and I actually articulated that I heard</p> <p>5 you wrong.</p> <p>6 Q. Right. So I'll reask my question and</p> <p>7 give you another opportunity to respond.</p> <p>8 Prior to February 21st, 2020,</p> <p>9 did the Philadelphia Department of Prisons</p> <p>10 anticipate needing a promotional list for wardens?</p> <p>11 A. No. Based on my clear understanding of your</p> <p>12 question, the answer is no.</p> <p>13 Q. Then why was a promotional list</p> <p>14 requested by the Philadelphia Department of Prisons?</p> <p>15 A. Standard practice, absent me, I would have</p> <p>16 to defer that to Deputy Commissioner Beaufort or</p> <p>17 Ms. Maxwell.</p> <p>18 Q. Promotional lists last two years,</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. During the two years that the warden</p> <p>22 promotional list established February 21st, 2020</p> <p>23 existed, the Philadelphia Department of Prisons went</p> <p>24 from four to one warden, correct?</p>

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<p style="text-align: right;">Page 90</p> <p>1 A. Went from four to one warden? We have three 2 warden positions. 3 Q. So, on February 21st, 2020, how many 4 wardens did the Philadelphia Department of Prisons 5 have? 6 A. We had four in 2020. And then there was 7 one -- or subsequent retirements, and I think 8 Delaney, recalling, was July, 2020. So that left us 9 with three. 10 Q. On February 21st, 2022, how many 11 wardens did the Philadelphia Department of Prisons 12 have? 13 A. I believe we had three in place. 14 Q. Who were those three? 15 A. Michele Farrell, Nancy Giannetta, and 16 Cathy Talmadge. 17 Q. Going back to Carney Exhibit 1, do you 18 agree that Nancy Giannetta retired August 20th, 19 2021? 20 A. Yes, I do. And I'm acknowledging I'm off by 21 a year, because I do not have these documents 22 directly in front of me. 23 Q. Okay. Looking at Cathy Talmadge's 24 Work History Detail, do you agree that she retired</p>	<p style="text-align: right;">Page 92</p> <p>1 provided, that's my response. 2 Or can you ask your question 3 differently? Because I believe I'm answering the 4 same question different ways. 5 So I'm not able to give you 6 anything, and, you know, to be respectful, I don't 7 want to just continue to regurgitate. I'm just not 8 understanding -- I'm interpreting you're asking me 9 the same question multiple ways. 10 Q. Fair enough. So I can ask it a 11 different way. 12 You've said that you did not 13 request a warden promotional list to be created in 14 February of 2020, correct? 15 A. Correct. 16 Q. And you were not a part of the process 17 of that list being requested, correct? 18 A. Correct. 19 Q. That list was requested by the Office 20 of Human Resources inside the Philadelphia 21 Department of Prisons, correct? 22 A. Yes. 23 Q. And the Office of Human Resources is 24 overseen by Deputy Commissioner Beaufort, correct?</p>
<p style="text-align: right;">Page 91</p> <p>1 September 24th, 2021? 2 A. Yes. 3 Q. So am I correct that, on 4 February 21st, 2022, the Philadelphia 5 Department of Prisons had one warden? 6 A. Can I see Warden Farrell's again? I believe 7 she did retire in 2022, but for the sake of being 8 accurate, I want to make sure. 9 Q. Sure. 10 A. Yes, that is correct, based on her personnel 11 record. 12 Q. So you testified that, leading up to 13 February 21st, 2022, the Philadelphia 14 Department of Prisons did not have an anticipated 15 need for a warden promotional list, correct? 16 A. Correct. 17 Q. Based upon what transpired during that 18 list -- which, as we've discussed, was that the 19 number of wardens in the prison went from four to 20 one -- did the Philadelphia Department of Prisons 21 have a need for a promotional list for warden as of 22 February 21st, 2020? 23 A. We had two wardens retire, one warden in 24 place. And based on the information that you</p>	<p style="text-align: right;">Page 93</p> <p>1 A. Correct. 2 Q. Now that we know what transpired 3 during the period from February 21st, 2020, through 4 February 21st, 2022, namely, that the number of 5 wardens in the prison went from four to one, in 6 hindsight, was there a need for a promotional list 7 for warden starting in February of 2020? 8 MR. SEIDMAN: Objection to form. 9 I don't know how in hindsight you're asking 10 her to speculate. I mean -- 11 BY MR. COHEN: 12 Q. Well, let me ask it this way, 13 Commissioner. 14 MR. SEIDMAN: She is here as a 15 fact witness. 16 MR. COHEN: Yes. 17 MR. SEIDMAN: And you're asking 18 questions about hindsight. 19 MR. COHEN: Yes. 20 BY MR. COHEN: 21 Q. Did you disagree, Commissioner, at the 22 time the request was made to have a promotional list 23 for warden starting February, 2020, did you disagree 24 with that request at the time it was made?</p>

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<p style="text-align: right;">Page 94</p> <p>1 A. There was no question put before me to 2 disagree. 3 Q. If it had been put before you, would 4 you have provided your opinion? 5 A. I can't speak to a hypothetical. The 6 question is presented or it's not. 7 Q. So nobody conferred with you about 8 that request to the Office of Human Resources? 9 A. No. 10 MR. SEIDMAN: Objection, asked 11 and answered. 12 A. Excuse me. I have to shut my other blind. 13 Q. Is that your answer? That nobody 14 conferred with you? 15 A. I answered the question. 16 Q. And is your answer no? 17 A. It's my previous answer. 18 (Reporter interruption.) 19 THE WITNESS: Thank you. 20 No. 21 BY MR. COHEN: 22 Q. Did you ever have any conversations 23 with Deputy Commissioner Beaufort about his decision 24 to request a promotional list for warden without</p>	<p style="text-align: right;">Page 96</p> <p>1 are going to have a catastrophe. And in this case, 2 one catastrophe is one too many, and you multiply 3 that by two. 4 So the deputy wardens who were 5 managing site responsibility for a significant 6 period of time, when those two wardens were on 7 extended leave, continued to do that. But given the 8 gravity, the weight, the responsibility of a warden 9 to operate the facility, it's more catastrophic than 10 not if you put an individual in there that does not 11 have strong leadership skills, decision-making, and 12 can manage multiple uniform, civilian, contracted, 13 and visitors, and, ultimately, the incarcerated 14 population. 15 That's not a position you just 16 easily fill. 17 Q. Once the Office of Human Resources 18 established the eligible list for warden on 19 February 21, 2020, it was then up to the 20 Philadelphia Department of Prisons to request 21 certification of that list, correct? 22 A. Yes. 23 Q. Did the Philadelphia Department of 24 Prisons request certification for the warden list</p>
<p style="text-align: right;">Page 95</p> <p>1 discussing it with you? 2 A. No. That falls under his area of 3 responsibility. He doesn't need my permission to do 4 that. 5 Q. Would you agree that warden is a 6 critical position for the functioning of the 7 facilities in the Philadelphia Department of 8 Prisons? 9 A. Yes. 10 Q. Having a vacancy for the warden 11 position for more than a year is detrimental to the 12 operation of the Philadelphia Department of Prisons, 13 correct? 14 A. No. 15 MR. SEIDMAN: Objection to form. 16 You can answer. 17 A. No. Because you have deputy wardens that 18 can manage, and had managed, during that time. 19 It would be more detrimental, 20 almost catastrophic, if you put the wrong individual 21 to lead an entire facility. 22 When you make -- the gravity of 23 being a warden is paramount. And if you put the 24 wrong, inexperienced person in that position, you</p>	<p style="text-align: right;">Page 97</p> <p>1 established on February 21, 2020? 2 A. Yes. 3 Q. Why? 4 A. That's a customary practice. Any position 5 that is filled -- or vacant, I'm sorry -- or there's 6 a test, HR can actually request that, which is 7 customary practice. 8 Excuse me. Can you give me one 9 moment, please? 10 Q. I just ask that the question be 11 finished -- or the answer be finished. 12 Commissioner? 13 MR. SEIDMAN: I'd give her a 14 moment. She's a very important person with a 15 lot of important decisions -- 16 MR. COHEN: That's true. 17 (Brief pause.) 18 THE WITNESS: Thank you. I 19 apologize. That was an emergency. 20 BY MR. COHEN: 21 Q. Understood. Do you remember the 22 question asked? 23 A. It's customary practice. As part of their 24 responsibility, they don't need me or my approval or</p>

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<p style="text-align: right;">Page 98</p> <p>1 direction and request. It's standard. You know you 2 have people who took an exam; you can request a 3 certification list. 4 Q. When did you find out that 5 certification had been requested? 6 A. That, I cannot recall. 7 Q. How did you find out that 8 certification had been requested? 9 A. Deputy Commissioner informed me that he had 10 the certification list. But I do not recall when he 11 told me that. 12 Q. Which deputy commissioner? 13 A. That was Deputy Commissioner Beaufort. 14 Q. Who made the decision to certify the 15 list? 16 A. Central HR would have to certify the list. 17 Q. Well, I asked you a few minutes ago 18 whether or not it was up to the Philadelphia 19 Department of Prisons to request certification, 20 correct? Do you remember that question? 21 A. Yes, I do. And based on how I'm receiving 22 your question, we can request a certification list; 23 however, we can't certify a list. Only central OHR 24 can certify a list. We don't have what they use to</p>	<p style="text-align: right;">Page 100</p> <p>1 exam they used, correct? 2 A. Yes. 3 Q. And then the Office of Human Resources 4 established the list, correct? 5 A. Yes. 6 Q. And the next step is that the 7 department can request that the Office of Human 8 Resources certify the list, correct? 9 A. So you can request certification, yes. 10 Q. And in this particular case, the 11 Philadelphia Department of Prisons did request 12 certification of this list, correct? 13 A. The e-mail is from HR, Central HR, advising 14 him that he can request certification of the 15 established list that they have to do from the very 16 beginning. 17 Q. Yes, I understand that's what the 18 e-mail says. 19 What I asked you a few moments 20 ago was whether or not the Philadelphia 21 Department of Prisons requested certification of the 22 list. And your response was yes; is that correct? 23 A. Based on the process that I'm familiar with, 24 that someone has taken an exam, they can ask for a</p>
<p style="text-align: right;">Page 99</p> <p>1 come to their conclusion, but we can certainly 2 request a certification list. 3 Q. So just so we're clear on the process. 4 The department -- and this is in relation to the 5 list, which is shown in Carney Exhibit 11. That's 6 what I'm referring to. Okay? 7 So in terms of this list, the 8 first step would have been that the Philadelphia 9 Department of Prisons requested an exam, correct? 10 A. Yes. 11 Q. Okay. And then the Office of Human 12 Resources did that exam, correct? 13 A. Yes. 14 Q. And deemed certain people acceptable 15 and certain people unacceptable for the exam, 16 correct? 17 A. Yes. 18 Q. And the four people that were deemed 19 qualified were Adrienne Lyde, Jessica Bowers, 20 Rodica Craescu, and Jennifer Albandoz, correct? 21 A. Yes, based on the criteria that they 22 utilized. 23 Q. And the Office of Human Resources 24 ranked those individuals pursuant to the type of</p>	<p style="text-align: right;">Page 101</p> <p>1 certified list. 2 This is saying certification. 3 My experience has been that they have to establish 4 the certified list, and the department can request 5 that list. 6 Q. So in this case, the Office of Human 7 Resources, which is a separate department than the 8 Philadelphia Department of Prisons, established the 9 list, correct? 10 A. Correct. 11 Q. And the next step was whether or not 12 the Philadelphia Department of Prisons was going to 13 request that this established list be certified, 14 correct? 15 A. It says, so you can. I don't see in this 16 e-mail where it says the department requested it. 17 Now, I believe I answered this 18 question, and we're on semantics. So my answer is 19 going to be the same. 20 If you have a document that you 21 can provide where it shows DC Beaufort requesting 22 certification, because my answer is going to be the 23 same. 24 Q. Do you know whether the Philadelphia</p>

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<p style="text-align: right;">Page 102</p> <p>1 Department of Prisons requested that this</p> <p>2 established list, identified by number</p> <p>3 5H12-20191216-23-00, be certified?</p> <p>4 MR. SEIDMAN: Objection to form.</p> <p>5 A. Again, Mr. Cohen, I answered your question</p> <p>6 based on how I believe HR and DC Beaufort do regular</p> <p>7 requests. That's the extent and my knowledge of</p> <p>8 this. And my answer is the same, unfortunately.</p> <p>9 Q. Okay. Just to make sure we're on the</p> <p>10 same page, because I'm not interested in talking for</p> <p>11 no reason, I assure you, is it -- and I will ask it</p> <p>12 as a question and not as a statement.</p> <p>13 Is it your testimony that you</p> <p>14 believe Deputy Commissioner Beaufort requested that</p> <p>15 this established list be certified?</p> <p>16 A. It is my testimony that he requested a</p> <p>17 certified list. This vernacular, I'm not in</p> <p>18 agreement. My decision -- my response is the same.</p> <p>19 He's requesting the certified list.</p> <p>20 Q. What's the difference between a</p> <p>21 certified list and an established list, if any?</p> <p>22 A. The established -- I don't believe there is</p> <p>23 a difference. It means that we certified. And</p> <p>24 we're simply -- or he's simply asking, "Hey, that</p>	<p style="text-align: right;">Page 104</p> <p>1 But --</p> <p>2 A. I can't recall. But that would be my</p> <p>3 answer. Because the years and the dates, I don't</p> <p>4 have that with accuracy, and I don't want to provide</p> <p>5 misleading testimony today.</p> <p>6 Q. You were aware that there was a warden</p> <p>7 promotional list established February 21st, 2020,</p> <p>8 correct?</p> <p>9 A. That is correct.</p> <p>10 Q. And you were aware that that list</p> <p>11 would expire in two years, correct?</p> <p>12 A. That is correct. And we're not under any</p> <p>13 obligation with the list. There's nothing in the</p> <p>14 Civil Service regs that prohibits us from not going</p> <p>15 after a list.</p> <p>16 Q. Is it important to follow the Civil</p> <p>17 Service regs?</p> <p>18 A. It is. And that's one of the regs that we</p> <p>19 follow, that you're not under any obligation, so</p> <p>20 that you don't misstep, because these positions are</p> <p>21 crucial. So there's nothing barring or unfavorable</p> <p>22 for us to not have done anything with the list.</p> <p>23 Q. Why is it important to follow the</p> <p>24 Civil Service regs?</p>
<p style="text-align: right;">Page 103</p> <p>1 list that you certified, can you give that to me?"</p> <p>2 Q. So it's your understanding that the</p> <p>3 Office of Human Resources certifies lists?</p> <p>4 A. Yes. We've talked about this, and they will</p> <p>5 say, "We'll ask for the certified list."</p> <p>6 That language has been used as</p> <p>7 long as I can remember, that our HR says, "Hey,</p> <p>8 we'll get the certified list."</p> <p>9 It had never been put that we</p> <p>10 have to request certification.</p> <p>11 Q. Well, you saw this e-mail, correct?</p> <p>12 And by "this e-mail," I'm referring to the e-mail</p> <p>13 from Ms. Moore on February 21st, 2020.</p> <p>14 A. Yes, after he obtained it.</p> <p>15 Q. What, if anything, was done, to your</p> <p>16 knowledge, regarding this list after receiving this</p> <p>17 e-mail?</p> <p>18 A. Nothing was done with the list.</p> <p>19 Q. The Philadelphia Department of Prisons</p> <p>20 requested a warden exam for February, 2022, correct?</p> <p>21 A. Can you pull the document back up? I'm</p> <p>22 getting bombarded with a lot of dates, and I don't</p> <p>23 have any of this in front of me.</p> <p>24 Q. Well, if you don't know, that's fine.</p>	<p style="text-align: right;">Page 105</p> <p>1 A. It's important because the City entrusts its</p> <p>2 commissioners and department leads to put the</p> <p>3 correct people in position that could fulfill the</p> <p>4 duties of the position. So we're following not only</p> <p>5 that there's no obligation in the Civil Service regs</p> <p>6 that says we have to do anything with a list, it is</p> <p>7 at the discretion of the department.</p> <p>8 Q. Do the Civil Service regs help ensure</p> <p>9 fairness for promotions?</p> <p>10 A. It does. And it did that and continues to</p> <p>11 evolve, so that you get the best qualified</p> <p>12 candidates that demonstrate, exemplify the</p> <p>13 leadership skills necessary for these correctional</p> <p>14 positions.</p> <p>15 MR. COHEN: I will share my</p> <p>16 screen. This I will mark as</p> <p>17 Carney Exhibit 12.</p> <p>18 (Whereupon Carney-12 was marked for</p> <p>19 identification.)</p> <p>20 BY MR. COHEN:</p> <p>21 Q. I'm showing you a Notice of</p> <p>22 Cancellation. Do you see that?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Prior to this exam being canceled, it</p>

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<p style="text-align: right;">Page 106</p> <p>1 was requested, correct?</p> <p>2 A. Yes, because there was -- it had to be</p> <p>3 something, because it's a cancellation notice.</p> <p>4 Q. And the Philadelphia Department of</p> <p>5 Prisons requested this exam, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Who from the Philadelphia Department</p> <p>8 of Prisons requested the exam?</p> <p>9 A. That could have been Deputy Commissioner</p> <p>10 Beaufort, again, managing, as part of his</p> <p>11 responsibility, through our HR department to get</p> <p>12 this exam scheduled.</p> <p>13 Q. Were you at all involved in the</p> <p>14 decision to request this exam with exam number</p> <p>15 5H12-20220207-23-00?</p> <p>16 A. I can't recall the specifics, whether I</p> <p>17 weighed in.</p> <p>18 Any position that he believes</p> <p>19 that we need, he doesn't need my approval to go</p> <p>20 forward with that. And I raised no objections.</p> <p>21 So this is not ringing a bell</p> <p>22 for me in the scheme of the past -- around this time</p> <p>23 frame. I was fully engulfed in all things Covid-19.</p> <p>24 Q. As of February of '22, the</p>	<p style="text-align: right;">Page 108</p> <p>1 approached the country. And then they were -- they</p> <p>2 stepped up.</p> <p>3 And that, making a warden,</p> <p>4 unlike any other time, it's a pandemic; you don't</p> <p>5 just go ahead and put someone in and they don't have</p> <p>6 strong leadership skills, they're not managing what</p> <p>7 they're currently assigned to do.</p> <p>8 So the decision was, the weight</p> <p>9 of the pandemic, the daily decision-making that had</p> <p>10 to happen with people's lives, both staff and</p> <p>11 incarcerated population, we moved through that most</p> <p>12 challenging time, and that was not the time for</p> <p>13 people on the list that believe they were entitled</p> <p>14 to be promoted.</p> <p>15 I needed the strongest people to</p> <p>16 keep these facilities running. I didn't have time</p> <p>17 to train people, and they had to hit the ground</p> <p>18 running.</p> <p>19 So during a pandemic is not when</p> <p>20 you decide, in the scheme of things, a global</p> <p>21 pandemic, to do administrative work. We were</p> <p>22 full-blown operations. So this was not at the top</p> <p>23 of my list.</p> <p>24 Following CDC guidelines at</p>
<p style="text-align: right;">Page 107</p> <p>1 Philadelphia Department of Prisons urgently needed</p> <p>2 wardens, correct?</p> <p>3 MR. SEIDMAN: Objection to form.</p> <p>4 No one established that it's urgently needed.</p> <p>5 MR. COHEN: It's a question.</p> <p>6 It's a question.</p> <p>7 MR. SEIDMAN: No, you made it a</p> <p>8 statement. You made a statement.</p> <p>9 BY MR. COHEN:</p> <p>10 Q. Do you understand the question,</p> <p>11 Commissioner?</p> <p>12 A. I understand your statement.</p> <p>13 Q. You don't believe it's a question</p> <p>14 either?</p> <p>15 A. I don't. Because you interjected</p> <p>16 "urgently."</p> <p>17 Q. Well, okay. What's your response to</p> <p>18 that, whether you want to call it a question or a</p> <p>19 statement?</p> <p>20 A. I don't agree that we needed it urgently. I</p> <p>21 believe we had correctional staff in place that were</p> <p>22 managing the facilities, through one of the most</p> <p>23 challenging times, that had the experience. They</p> <p>24 had demonstrated it before the pandemic even</p>	<p style="text-align: right;">Page 109</p> <p>1 9:00 o'clock, the recommendations changed by 10:00.</p> <p>2 It was all hands on deck, all covid. So this was</p> <p>3 not the time -- just because you have these</p> <p>4 positions, the urgency was our response and</p> <p>5 attentiveness during the covid global pandemic.</p> <p>6 These leaders were demonstrating</p> <p>7 that they were managing the facilities. And this</p> <p>8 pandemic required all of my attention, and I needed</p> <p>9 to be able to give directives to have them</p> <p>10 understood and executed promptly.</p> <p>11 And this lasted for three years.</p> <p>12 This was not normal correctional practice, where you</p> <p>13 had a process in place, where you could then put</p> <p>14 someone in. The expectation is, I can't build the</p> <p>15 plane, fly the plane, put the baggage on it, and</p> <p>16 think it's all going to fare well. The gravity of</p> <p>17 that pandemic stretched everyone, and I needed</p> <p>18 people in place that were demonstrating they could</p> <p>19 do it.</p> <p>20 But when you appoint someone to</p> <p>21 this position, they have to be able to step in and</p> <p>22 hit the ground running and keep it moving and not</p> <p>23 rely on constant instruction and directives. A</p> <p>24 majority of this work that has to be done with</p>

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<p style="text-align: right;">Page 110</p> <p>1 knowledge, experience.</p> <p>2 Q. If there was not a need for wardens as</p> <p>3 of February of 2022, why was an exam requested?</p> <p>4 A. We had already two years of the pandemic</p> <p>5 under our belt. A lot was gleaned. A lot was</p> <p>6 established. And we came through two very</p> <p>7 challenging years. At the point in which that</p> <p>8 latter exam was announced, pretty much we come</p> <p>9 through the darkest part.</p> <p>10 Q. When you say "at the time it was</p> <p>11 announced," you're talking about February 7th, 2022?</p> <p>12 A. I don't know when it was. Whenever it was</p> <p>13 announced. You would have to give me the document</p> <p>14 to see when.</p> <p>15 Again, my full attention was</p> <p>16 given to Covid-19 pandemic. Anything that was</p> <p>17 executed under the rightful authority of a</p> <p>18 deputy commissioner, who should and does know what</p> <p>19 he's doing, he's performing that work with HR, this</p> <p>20 was not at the top of my list because the covid</p> <p>21 pandemic was the driver.</p> <p>22 We had three deputy wardens in</p> <p>23 place. They had been doing the work even with the</p> <p>24 wardens out on extended leave. This was not the</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Were you at all involved in the</p> <p>2 decision to cancel this exam?</p> <p>3 A. No.</p> <p>4 Q. Were you ever told the reason why it</p> <p>5 was canceled?</p> <p>6 A. No. And I didn't ask. My direct devotion</p> <p>7 was for Covid-19, trying to mitigate a spread of a</p> <p>8 global pandemic and inside correctional institutions</p> <p>9 where the requirement was just strewn about</p> <p>10 nationwide, keep people separated, six feet apart.</p> <p>11 How am I not to feel the weight of that with 46- to</p> <p>12 4700 people in custody inside facilities where the</p> <p>13 cell does not accommodate? And adjusting, pivoting</p> <p>14 constantly, stop the spread, mitigate the spread.</p> <p>15 That's the life I lived for the</p> <p>16 last three years.</p> <p>17 So excuse me if I'm not into the</p> <p>18 HR administrative piece of it, sir. The weight of</p> <p>19 the world was on my shoulders.</p> <p>20 Q. Would you agree that staffing</p> <p>21 decisions were critical to ensuring that the</p> <p>22 Philadelphia Department of Prisons was effectively</p> <p>23 running during the Covid-19 pandemic?</p> <p>24 A. Absolutely. And that was paramount, number</p>
<p style="text-align: right;">Page 111</p> <p>1 time to make permanent personnel changes, and</p> <p>2 definitely during a crisis.</p> <p>3 So for the specifics for that</p> <p>4 time frame, I cannot recall, and I would require a</p> <p>5 need to review any paperwork you have on that to</p> <p>6 answer the question.</p> <p>7 Q. What paperwork would exist that would</p> <p>8 help you answer the question?</p> <p>9 A. I don't know. You said, "What time frame?"</p> <p>10 So is there -- can you give me a question that I</p> <p>11 could try to answer when you say, "What time frame?"</p> <p>12 As I told you before, my life</p> <p>13 became engulfed, consumed, 24 hours a day/seven days</p> <p>14 a week from March, 2020, even to today, and we're</p> <p>15 almost approaching a year out of covid.</p> <p>16 Q. Looking at this document, Carney</p> <p>17 Exhibit 12, this Notice of Cancellation for the exam</p> <p>18 is dated February 17th, 2022, correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Who canceled this exam?</p> <p>21 A. Sir, I don't know who canceled the exam.</p> <p>22 You would have to ask either Deputy</p> <p>23 Commissioner Beaufort or Ms. Maxwell. This was not</p> <p>24 on my radar.</p>	<p style="text-align: right;">Page 113</p> <p>1 one. We were losing staff at record numbers. Fear</p> <p>2 had set in. You were losing line staff, which is</p> <p>3 necessary. You were losing sergeants, lieutenants.</p> <p>4 You were losing captains. You also lost wardens.</p> <p>5 It was imperative that you had a</p> <p>6 person that could, during that time, some</p> <p>7 unprecedented -- and I just hate to use the word</p> <p>8 "unprecedented" because it's been overused, but</p> <p>9 that's what's coming to my mind at this time. It</p> <p>10 just wasn't a warden position. It was everything.</p> <p>11 And this was not the time for a person that didn't</p> <p>12 have strong leadership skills, decision-making, and</p> <p>13 that could walk and work with multiple disciplines</p> <p>14 to keep these facilities running.</p> <p>15 Q. Would you agree that one of the most</p> <p>16 important staffing decisions to make was who would</p> <p>17 be the warden of these facilities?</p> <p>18 A. That is correct. And I did not take it</p> <p>19 lightly and do a knee-jerk reaction.</p> <p>20 You look for a skill set. You</p> <p>21 look for individuals who have demonstrated, under</p> <p>22 normal circumstances, not even a pandemic, that they</p> <p>23 can handle the work. They can handle the weight.</p> <p>24 They can handle the challenges.</p>

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<p style="text-align: right;">Page 114</p> <p>1 Those positions weren't filled 2 because of that. This was not the time to try to 3 hope I get it right. You're basing it on what are 4 people and what have they shown you. What have they 5 demonstrated. How are they leading pre-pandemic? 6 It would have been catastrophic 7 if I would have did a knee-jerk reaction and made a 8 permanent decision during the pandemic. 9 Q. Earlier you said there were some 10 differences between, for instance, Pierre Lacombe's 11 job duties, once he became warden on December 26, 12 2022, and when he had site responsibility while he 13 was titled a deputy warden of Riverside Correctional 14 Facility, correct? Do you remember that testimony? 15 A. Yes, I do. I gave you examples. 16 Q. Right. Those examples were financial 17 decisions and disciplining deputy wardens, correct? 18 A. Two examples I gave, correct. 19 Q. Are there other examples? 20 A. Examples of directing multiple disciplines, 21 contractors and civilians, to get the work to 22 provide it to incarcerated population. It's 23 heightened as the warden, because now you have 24 oversight responsibility to make sure all of that is</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. And that increased responsibility 2 helped run the facilities more smoothly, correct? 3 A. That's not necessarily a yes or no. It 4 depends on whatever circumstances was presented at 5 the facility. Doesn't make it smoother. It matters 6 how they manage and respond. 7 Q. The increased responsibility that 8 those three men received upon being promoted, was 9 that beneficial to the effective operations of those 10 facilities? 11 MR. SEIDMAN: Objection to form. 12 If you understand the question. 13 A. Yes, I don't understand that question. 14 Q. Why did you eventually hire wardens? 15 A. Because we had come through, as I stated 16 before, the pandemic, the darkest days. We were 17 transitioning out. We had learned a lot. We 18 stabilized. We kept a majority of our units 19 operational. And it was the timing. We had come 20 through. 21 As I stated before, it was not 22 the time to then place people in permanent positions 23 that did not have the proven skill set to lead. 24 During that time, you need leaders. Not the time</p>
<p style="text-align: right;">Page 115</p> <p>1 happening. 2 As a deputy warden, you are 3 responsible for making sure that the 4 multi-disciplines and contractors and visitors 5 inside your facilities are properly performing their 6 duties, providing services to the incarcerated 7 population. But as the warden, it all falls on you, 8 every decision, whether it's going to be a program, 9 whether it's not; whether it will be a change in 10 location, how the provider will access the 11 population. That's the additional. And that's not 12 exhaustive of what a warden does. But a 13 deputy warden, those duties were provided during 14 pre-retirement and post-retirement. 15 Q. When you say, "those duties were 16 provided during pre- and post-retirement --" 17 A. The deputy wardens oversaw to make sure that 18 that occurred. 19 Q. Once Pierre Lacombe, Steven Angelucci, 20 and Norman Williams were promoted to the warden 21 positions in the facilities where they had 22 previously had site responsibility, did they have 23 increased responsibility? 24 A. Yes.</p>	<p style="text-align: right;">Page 117</p> <p>1 for OJT. This is the time for leaders. 2 And they stood up, and they 3 managed to keep these facilities operationally with 4 everything that I directed, instructed, expected of 5 my workforce. And as we neared out, then we filled 6 those positions. 7 Q. How was Steven Angelucci's job 8 performance as the individual with site 9 responsibility of Curran-Fromhold Correctional 10 Facility after Warden Giannetta's retirement? 11 A. It was on pace. It was consistent. He ran 12 the facility. He held staff accountable. He 13 responded whenever there was an emergency. And he 14 worked hand in hand with all of his disciplines. So 15 it was consistent. 16 Q. Was that job performance used in 17 ultimately making the decision to promote him? 18 A. No, it was not. 19 The decision to promote was 20 based on when we did our interview panel of every 21 single individual who took the exam. It was not 22 exclusive to how you did. You still had to 23 interview for the position. 24 Under my appointment in 2016, a</p>

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<p style="text-align: right;">Page 118</p> <p>1 survey was done in August of 2016, I believe, or</p> <p>2 September. The prison has a long history of legacy</p> <p>3 and entitlement, and when the few staff who did take</p> <p>4 the survey, they participated, the three things that</p> <p>5 came up were nepotism, sexism, and racism. This</p> <p>6 wasn't a shoo-in. It wasn't that you did the job,</p> <p>7 and it wasn't because you were a legacy or next in</p> <p>8 line. You still had to come before an interview</p> <p>9 panel to get this job.</p> <p>10 Q. How was Pierre Lacombe's</p> <p>11 job performance as the individual with site</p> <p>12 responsibility of Riverside Correctional Facility</p> <p>13 after Warden Talmadge's retirement?</p> <p>14 A. He was consistent and steady in his</p> <p>15 performance of operating that facility.</p> <p>16 Q. Was his job performance during that</p> <p>17 time used in deciding to promote him to become</p> <p>18 warden of Riverside Correctional Facility?</p> <p>19 A. No, it was not. He still was required to</p> <p>20 interview before the panel.</p> <p>21 Q. How was Norman Williams'</p> <p>22 job performance as the individual with site</p> <p>23 responsibility of the Philadelphia Industrial</p> <p>24 Correctional Complex after Warden Farrell's</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Yes.</p> <p>2 Q. What are the different types of exams?</p> <p>3 A. It can be an oral exam before a panel, or it</p> <p>4 can be time and experience.</p> <p>5 Q. How do you know that Ms. Lyde's exam</p> <p>6 was an oral exam?</p> <p>7 A. Based on my recollection, I believe this was</p> <p>8 an oral exam.</p> <p>9 Q. Do you remember when you learned that?</p> <p>10 A. I believe this is the first, and I don't</p> <p>11 have the answer to that.</p> <p>12 Q. Does Ms. Lyde's score reflect her</p> <p>13 fitness for the warden position?</p> <p>14 A. No, it does not.</p> <p>15 Q. Do you know when Ms. Lyde was promoted</p> <p>16 to HSPA?</p> <p>17 A. No, I do not. I don't recall that.</p> <p>18 MR. COHEN: I'll mark this as</p> <p>19 Carney Exhibit 13.</p> <p>20 (Whereupon Carney-13 was marked for</p> <p>21 identification.)</p> <p>22 BY MR. COHEN:</p> <p>23 Q. It is a five-page document beginning</p> <p>24 at Bates stamp City 1068. Looking at the first</p>
<p style="text-align: right;">Page 119</p> <p>1 retirement?</p> <p>2 A. It was consistent.</p> <p>3 Q. And was that job performance used in</p> <p>4 determining that he would be the individual promoted</p> <p>5 to become the warden of the Philadelphia Industrial</p> <p>6 Correctional Complex?</p> <p>7 A. No, it was not. He still was required to</p> <p>8 interview with the panel.</p> <p>9 MR. SEIDMAN: Noah, can we take</p> <p>10 60 seconds real quick?</p> <p>11 MR. COHEN: Sure.</p> <p>12 (Short recess taken at</p> <p>13 2:02 p.m.)</p> <p>14 (Proceedings resumed at</p> <p>15 2:05 p.m.)</p> <p>16 BY MR. COHEN:</p> <p>17 Q. Adrienne Lyde was ranked number one on</p> <p>18 the 2020 promotional list for warden, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And sharing my screen and referring</p> <p>21 back to Exhibit 11, her score on the exam was over a</p> <p>22 hundred, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And that was on an oral exam?</p>	<p style="text-align: right;">Page 121</p> <p>1 page of this document, this is a performance report</p> <p>2 for Ms. Lyde, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And the date of the report, it says</p> <p>5 8/29/16; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And as of that date, Ms. Lyde was a</p> <p>8 Human Services Program Administrator, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Going through this document, to the</p> <p>11 second page, this is her evaluation in 2017,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. And then this is her evaluation in</p> <p>15 2019, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And this is her evaluation in 2020,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. And then this is her evaluation in</p> <p>21 2022?</p> <p>22 A. Correct.</p> <p>23 Q. In all of these examinations, she</p> <p>24 scored a superior ranking, correct?</p>

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<p style="text-align: right;">Page 122</p> <p>1 A. Correct.</p> <p>2 Q. Do Ms. Lyde's yearly performance</p> <p>3 evaluations as an HSPA reflect her fitness for the</p> <p>4 warden position?</p> <p>5 A. No, based on the recent accounts of</p> <p>6 information discovered. All of Ms. Lyde's</p> <p>7 performance evaluations are under the direct</p> <p>8 immediate supervision of a deputy commissioner, who</p> <p>9 happens to be Deputy Commissioner Bagby.</p> <p>10 Pre-pandemic, Ms. Lyde received these evaluations.</p> <p>11 I had no reason to question. DC Bagby did not raise</p> <p>12 any objections, as indicated here, and I felt no</p> <p>13 need to go investigate, and I concurred with his</p> <p>14 findings.</p> <p>15 However, an interesting thing</p> <p>16 happened with the pandemic and going into it. It</p> <p>17 reveals vulnerabilities in a lot of work that was</p> <p>18 not done.</p> <p>19 But even before the pandemic,</p> <p>20 Ms. Lyde and Jennifer Albandoz were at each other's</p> <p>21 throats. They were both Human Service Program</p> <p>22 Administrators. And it was brought to my attention</p> <p>23 by a subordinate supervisor, for which one of them</p> <p>24 supervised, and said, "Commissioner, we can't take</p>	<p style="text-align: right;">Page 124</p> <p>1 And it started to become apparent that the curtain</p> <p>2 had been pulled back.</p> <p>3 Ms. Lyde had not been</p> <p>4 instructing her staff to perform and provide</p> <p>5 services to incarcerated people locked in cells,</p> <p>6 because everyone was afraid of the pandemic. So all</p> <p>7 of this predates that and there was no reason for me</p> <p>8 to go back for it.</p> <p>9 But even today, we're almost a</p> <p>10 year out of the pandemic, and Ms. Lyde didn't</p> <p>11 demonstrate the skill set. She has one of the</p> <p>12 smaller units of staff -- less than a hundred, her</p> <p>13 and Ms. Albandoz -- to manage on State Road, and</p> <p>14 they can't compel their staff to hold their staff</p> <p>15 accountable to do the basics to provide to</p> <p>16 incarcerated people.</p> <p>17 So did I put my signature here?</p> <p>18 Yes. But through revelation and the curtain being</p> <p>19 pulled back, because of the pandemic exposed a lot,</p> <p>20 Ms. Lyde couldn't lead. She could barely lead and</p> <p>21 even to this day lead the few staff that she had.</p> <p>22 When you're a warden, you have</p> <p>23 to lead everyone. You are the CEO of that facility.</p> <p>24 Not only are you fighting with a</p>
<p style="text-align: right;">Page 123</p> <p>1 it.</p> <p>2 "What do you mean? You can't</p> <p>3 take what? It's not off the record.</p> <p>4 "Ms. Lyde and Ms. Albandoz are</p> <p>5 fighting, and they're choosing and making staff</p> <p>6 choose sides."</p> <p>7 It was so disastrous that I</p> <p>8 called Ms. Lyde in, along with Ms. Albandoz and</p> <p>9 DC Bagby and Greg Vrato, as my chief of staff, and I</p> <p>10 told them it was unacceptable, the fact that a</p> <p>11 subordinate supervisor came to me acknowledging this</p> <p>12 unbecoming and unprofessional behavior, to divide a</p> <p>13 unit of staff, to make them choose, and even at the</p> <p>14 knowledge of Deputy Commissioner Bagby knowing and</p> <p>15 not taking action. I have a lot of responsibility.</p> <p>16 I shouldn't have had to deal with that. So that was</p> <p>17 one.</p> <p>18 As this pandemic started to</p> <p>19 progress, the pandemic revealed vulnerabilities.</p> <p>20 And all these things that were indicated here,</p> <p>21 because everything was going well. We had the</p> <p>22 highest staff fill rate. We were only at a</p> <p>23 five percent vacancy rate. The population was</p> <p>24 reduced by almost half. And then the pandemic hit.</p>	<p style="text-align: right;">Page 125</p> <p>1 colleague, you're divisive. You can't compel your</p> <p>2 staff, who the City pays for, by the way, to provide</p> <p>3 services to an incarcerated population.</p> <p>4 So these are skill sets that</p> <p>5 were demonstrated throughout this process, and it</p> <p>6 was only discovered when the pandemic kicked and you</p> <p>7 could start to see, based on the data, of what was</p> <p>8 happening and who was doing what.</p> <p>9 And under her leadership, the</p> <p>10 social work unit did the least amount of work.</p> <p>11 While everyone was charged with coming in this</p> <p>12 facility day in and day out, my uniform staff, my</p> <p>13 contracted food staff, my healthcare staff, my</p> <p>14 contracted behavioral health and medical staff, the</p> <p>15 contracted maintenance and City workers, took the</p> <p>16 path of least resistance. Their unit was the only</p> <p>17 unit that said, "Oh, we'll work every other week."</p> <p>18 They worked an entire half a</p> <p>19 year and got paid for a whole year. Always the path</p> <p>20 of least resistance.</p> <p>21 So prior to this, there was no</p> <p>22 need for me to go and look for this. But once you</p> <p>23 got exposed with the vulnerabilities of the</p> <p>24 pandemic, it became crystal clear what wasn't</p>

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<p style="text-align: right;">Page 126</p> <p>1 happening. And if you can't compel a few staff, you 2 can't command many. 3 Q. The meeting that you had with 4 Ms. Lyde, Ms. Albandoz, and Mr. Vrato, do you know 5 when that meeting was? 6 A. I do not recall that meeting, but the fact 7 that I had to have it was very troubling for me. 8 But it happened. 9 Q. Was it before September 2nd, 2022, 10 which is the date of Ms. Lyde's performance report 11 in 2022? 12 A. I believe it was. 13 Q. What's the basis of that belief? 14 A. Because this was -- I know in -- I don't 15 recall having a meeting with them in 2022, based on 16 my memory. But I know the meeting happened. But I 17 don't believe it was around this time. 18 Q. Did Ms. Lyde commit any departmental 19 violations in relation to that incident? 20 A. Yes. She could have been charged with 21 conduct unbecoming, which is one of the general 22 orders in professional -- core professional 23 deportment. 24 Q. She was not, though, correct?</p>	<p style="text-align: right;">Page 128</p> <p>1 face to face, no matter how much protective 2 equipment we provided, how much Plexiglas we put up. 3 There was always a reason and an excuse. 4 We were all concerned not to 5 return back home with any of this and to keep us, 6 our families, our co-workers and the population 7 safe. But when you're leading, you take all that 8 into consideration. But the work still has to get 9 done. And they simply could not compel their staff 10 to do it. Always taking the path of least 11 resistance. 12 I had to make a lot of hard, 13 challenging decisions. I had to draft people when I 14 was severely short. I had to make sure people had 15 PPE and still was able to come in to provide 16 services to incarcerated people. 17 But they pretty much lamented 18 with the staff as we were working our way through 19 the pandemic, things we didn't know. There were 20 things that you had to, "Hey, I need this 21 information." 22 We didn't have a system in place 23 pre-pandemic for the population to communicate with 24 their loved ones virtually. I tasked DC Bagby and</p>
<p style="text-align: right;">Page 127</p> <p>1 A. She was not. DC Bagby did not take the 2 appropriate action. And I'm very careful when 3 directing people to discipline people, because I 4 don't want it to come that the Commissioner said 5 discipline you. He should have taken the corrective 6 action and addressed that formally. 7 And the fact that I had to meet 8 with him and both administrators says a lot. 9 Because leaders should be able to make the hard 10 decisions. 11 And it's not to be punitive. 12 It's to bring it to someone's attention for them to 13 self-correct. 14 Q. And you said that Ms. Lyde did not 15 properly compel her direct reports during the 16 pandemic; is that correct? 17 A. That is correct. As we were losing staff in 18 record numbers, people were locked in those cells. 19 They would have appreciated just coming out and 20 having access to a social worker. 21 The restorative and transitional 22 social work unit was the only unit that worked half 23 a year and got paid for a full that presented every 24 reason why they couldn't see individuals</p>	<p style="text-align: right;">Page 129</p> <p>1 the HSPAs, "Find me a platform where we could 2 schedule. We need to get something up and running." 3 This was not a knee jerk. This 4 was an emergent response in every step of the way. 5 They just missed the mark. They could not manage 6 and handle the pressure. 7 The platform that they bought me 8 was for a company that had 30 or less employees, 9 called Calendly. We had 47-, 4800 people in 10 custody. I had to shut down civilian visits, 11 in-person visits. We were trying to manage and 12 funnel calls. They bought me the smallest platform 13 you could think of. We're a large system. 14 That's just one example. 15 Then we stood up through 16 partnership with the criminal justice partner to 17 facilitate legal phone calls so people could get on 18 the phones with their attorneys, have privacy. That 19 went on until about six or seven months ago. That 20 was supposed to be discontinued at the end of the 21 pandemic. They were still doing it. 22 How did I discover it? A social 23 work supervisor asked in a meeting and said, 24 "Commissioner, when will we discontinue these</p>

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<p style="text-align: right;">Page 130</p> <p>1 calls?"</p> <p>2 DC Bagby, Ms. Lyde, Ms. Albandoz</p> <p>3 in the same meeting as I am. I turned to DC Bagby</p> <p>4 and said, "DC Bagby, I thought we discontinued</p> <p>5 that."</p> <p>6 And the response was, "Oh, yeah,</p> <p>7 we'll do it."</p> <p>8 You had that directive a while</p> <p>9 ago, but rather to inform their staff, instruct</p> <p>10 their staff, it's always the path of least</p> <p>11 resistance. They're going to take it every time.</p> <p>12 Staff pushed back a lot during</p> <p>13 the Covid-19 pandemic because they were concerned.</p> <p>14 But we still had a job to do. We're a carceral</p> <p>15 setting. We still had to provide services to the</p> <p>16 incarcerated population.</p> <p>17 How we did it, we were receiving</p> <p>18 guidance from the CDC and the Health Department, but</p> <p>19 every step of the way, path of least resistance for</p> <p>20 RTS.</p> <p>21 The folks would have liked --</p> <p>22 the population would have liked to have come out and</p> <p>23 spoke to another human being that's not their cell,</p> <p>24 celly mate, cellmate.</p>	<p style="text-align: right;">Page 132</p> <p>1 less than a hundred; now you want me to put you over</p> <p>2 an entire facility that can have 8- to 900, a</p> <p>3 thousand people? That creates bedlam for me and</p> <p>4 chaos.</p> <p>5 You need a skill set. I need</p> <p>6 people that -- it's an unpopular decision. I became</p> <p>7 very unpopular during the Covid-19 pandemic because</p> <p>8 I had to make the hard decisions. Time and time</p> <p>9 again, they aren't able to make the hard decisions.</p> <p>10 And I'm not searching this</p> <p>11 information out. This was revealed. And it also</p> <p>12 was reported by their subordinate staff.</p> <p>13 Q. Can you point to any documentation</p> <p>14 showing that Ms. Lyde lacked leadership skills?</p> <p>15 A. The access to care meeting is a meeting</p> <p>16 that -- again, the pandemic exposes it. The access</p> <p>17 to care meeting is where you see a backlog. If you</p> <p>18 ask our database to say, how many incarcerated</p> <p>19 people do not have an intake interview? Do not have</p> <p>20 a five-day? A 30? A 75-day? A service discharge</p> <p>21 plan to prepare them for reentry?</p> <p>22 That data you can pull up. And</p> <p>23 it may be some minor inconsistencies in our</p> <p>24 platform, but the population will tell you, "I'm not</p>
<p style="text-align: right;">Page 131</p> <p>1 Again, you need leadership to</p> <p>2 compel people to get the job done when it's most</p> <p>3 challenging.</p> <p>4 Another example. We had</p> <p>5 individuals who are in what we call med lock. That</p> <p>6 means they are not cooperating with the medical exam</p> <p>7 so we can ascertain if they have any communicable</p> <p>8 diseases. You have frontline social workers, and</p> <p>9 you have social work supervisors. I informed</p> <p>10 DC Bagby, Ms. Lyde, and Ms. Albandoz, "Make sure you</p> <p>11 have your staff engaging these folks."</p> <p>12 That translated into Ms. Lyde --</p> <p>13 path of least resistance -- coming in, engaging that</p> <p>14 population. She convinced a few of them to come</p> <p>15 out. But as an administrator, that should have been</p> <p>16 delegated and the responsibility of her direct</p> <p>17 reports.</p> <p>18 It could have also created a</p> <p>19 labor dispute. Because now she's performing the</p> <p>20 work of two positions that report to her.</p> <p>21 So, again, you have to make the</p> <p>22 hard decisions.</p> <p>23 And time and time again, she</p> <p>24 doesn't have strong skill set. You can't manage</p>	<p style="text-align: right;">Page 133</p> <p>1 seeing a social worker." That's real data.</p> <p>2 They're not consistent. They're</p> <p>3 not providing the service.</p> <p>4 You need a leader to be able to</p> <p>5 say, "Listen, I acknowledge you are going through a</p> <p>6 challenging time. I know you're concerned. This is</p> <p>7 what we can provide. These are the policies. But</p> <p>8 we still have a job to do."</p> <p>9 You had incarcerated people</p> <p>10 absent a social worker.</p> <p>11 So when you talk about real</p> <p>12 numbers, that data is real.</p> <p>13 Now, the access to care, let me</p> <p>14 get back to that. My schedule is filled. The</p> <p>15 access to care is just that. How do I get the</p> <p>16 population the access of services for City workers</p> <p>17 for which they are compensated?</p> <p>18 The HSPAs are responsible for</p> <p>19 making sure this happens. I called and convened a</p> <p>20 meeting because the data told me they were so</p> <p>21 backlogged they weren't seeing people. And when you</p> <p>22 ask them, it's always an excuse and a reason instead</p> <p>23 of owning it and saying, "Hey, yeah, we are backed</p> <p>24 up. We're going to work on it and tackle it here."</p>

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<p style="text-align: right;">Page 134</p> <p>1 Most recently -- CFCF is under 2 Ms. Lyde's leadership. The largest facility. Yes, 3 we do have a decreased number of staff, but you work 4 with the staff and the number that you have. But 5 you create a plan. I have been requesting this plan 6 for the last two years or so. It wasn't until 7 recently I gave the recommendations and guidance to 8 DC Bagby that he implemented it. 9 Ms. Lyde and Ms. Albandoz came 10 up with the fact of working backwards. 11 CFCF is the largest facility and 12 intake facility for men. The lion's share of 13 transfers that transfer out of this facility without 14 those scheduled intake contacts go to the other 15 facilities, which pushed the burden and 16 responsibility on them to complete the work. 17 While they may have done what we 18 call a blitz, unbeknownst to me -- because, again, 19 under the deputy commissioner, I'm believing you can 20 handle it and you're managing it well. 21 Instead of bringing all your 22 staff over to CFCF to tackle the problem, to kind of 23 reduce that transfer of those folks, which has been 24 a longstanding practice, the path of least</p>	<p style="text-align: right;">Page 136</p> <p>1 wardens, or their deputy wardens if they're not 2 present, and deputy commissioner. And we do not 3 keep record or recording, but certainly you could 4 interview all of those individuals to surmise and 5 come to your own conclusion. 6 Q. Okay. So there's documentation that a 7 meeting happened, right? 8 A. Yes. 9 Q. But no documentation showing what 10 occurred in the meeting, correct? 11 A. There's some meeting notes that we jot down 12 about the issues we discussed, but I think if you 13 really want to get the impartial report, you have at 14 least eight people you can speak with. So the 15 meeting exists. 16 And again, as the Commissioner, 17 it's a very tedious process that I have to have this 18 meeting now, when I have a deputy and I have 19 administrators. 20 Excuse me. I need to get some 21 water. My throat is dry. Can I take one minute? I 22 need to get some water. 23 MR. SEIDMAN: Can we take five 24 minutes?</p>
<p style="text-align: right;">Page 135</p> <p>1 resistance; you have people working at the other 2 facilities to catch up. They started to become 3 overwhelmed, and they started to lament about it and 4 say, "We do a hundred and a hundred more come." 5 You need a person who can think 6 and see the big picture. If I stopped the bleeding 7 and put the Band-Aid on up front, I don't have to 8 worry about the gush at the end. 9 These are just simple, I mean, 10 examples of a unit less than a hundred, and they're 11 pushing back. Now, you multiply that by uniform 12 staff of all ranks, education folks, maintenance 13 folks, volunteers, and civilians, and maintenance, 14 you have to be able to manage all of that. You 15 can't even manage the smallest unit on the campus. 16 Q. And in terms of documentation 17 supporting your statement that Ms. Lyde cannot 18 manage the smallest unit on the campus, you have 19 identified an access to care meeting, correct? 20 A. Correct. 21 Q. Okay. What is the documentation that 22 we could surmise from that meeting? 23 A. We have signature sheets that we invite the 24 subordinate supervisors, both administrators, the</p>	<p style="text-align: right;">Page 137</p> <p>1 MR. COHEN: Sure. 2 THE WITNESS: Okay. Thank you. 3 (Short recess taken at 4 2:29 p.m.) 5 (Proceedings resumed at 6 2:35 p.m.) 7 BY MR. COHEN: 8 Q. So Commissioner, you mentioned, in 9 regards to documentation showing Ms. Lyde has a 10 deficiency in leadership, you mentioned that there 11 was an access to care meeting and a sign-in sheet 12 for that meeting, correct? 13 A. Yes. A sign-in sheet. And as I was trying 14 to get my throat under control, we have what we call 15 a weekly report that I direct to DC Bagby to 16 prepare. And in that report, I have him capturing 17 the backlog. 18 The backlog is the work that 19 needs to get done. Yes, we understand we're 20 short-staffed, but you can manage it and use it as a 21 benchmark to see your progress. 22 And I believe I issued and 23 directed him to do that in October -- the end of 24 October, to get a handle on what RTS is not doing,</p>

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<p style="text-align: right;">Page 138</p> <p>1 which is under his leadership and Lyde and 2 Albandoz's leadership. 3 That backlog report we can 4 provide to you will show you the backlog of those 5 data points that I shared with you. Because even 6 though we have the sign-in sheet and that, that's 7 real data. And he's capturing that data and 8 certainly he can provide to show you the backlog, 9 that it's real. 10 Also, we have a federal monitor 11 as a result of Covid-19. And during their last 12 monitor on-site visit, the monitor reported, "Oh, 13 and by the way, the population wants to see their 14 social worker." 15 That's a federal monitor that 16 has oversight responsibility. So that's the 17 documentation that I can provide -- in addition to 18 the access to care -- that will show you the 19 backlog. 20 Now, no one is saying that we'll 21 be a hundred percent, because we're short-staffed, 22 but you still have to manage and hold people 23 accountable to perform the work. So that can be 24 provided to you, if you want that.</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. And the other documents you've been 2 referring to, namely, the monitor report, was also 3 in -- that you're referencing is also in 2023, 4 correct? 5 A. Yes. 6 Q. Because none of the monitor reports 7 prior to 2023 had any indication that there were 8 leadership deficiencies by anyone in the RTS 9 department? 10 A. When you roll the curtain back, that's why 11 they're looking at it now. 12 Q. But prior to -- 13 A. Prior to -- 14 Q. -- 2023, there was nothing? 15 A. Yes, prior to that, there's nothing. But 16 now they're on the radar. 17 So, again, the more information, 18 when you start to roll back, now you see what really 19 is happening. 20 Q. Are you aware of any documentation 21 showing any deficiency for Ms. Lyde from the period 22 in which she was on the promotional list for warden 23 as the first ranked person? 24 A. I'm not showing that. DC Bagby didn't feel</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. When you say that there's a federal 2 monitor as a result of Covid-19, isn't it true that 3 the federal monitor is a result of the Remick 4 lawsuit? 5 A. Yes. That's the correct title. But it was 6 related to the Covid-19 and then the conditions. 7 But part of that is you have 8 incarcerated people that should be receiving 9 services from social workers and they're not. And 10 that's the reason for the backlog. 11 So we agree that, because we're 12 not fully staffed, we have vacancies, but what are 13 you doing? How are you managing your staff under 14 your leadership to get the work done? How are you 15 leading with the plan of corrective action? 16 And it didn't start to take 17 shape until I started to have this access to care 18 meeting. It was, "Okay, well, they don't want to." 19 And everybody's "We're short of staff." Yes, but 20 that's not appropriate. You still have to have a 21 plan on how you are going to tackle this backlog. 22 Q. And fair to say you began this access 23 to care meeting in 2023? 24 A. Yes.</p>	<p style="text-align: right;">Page 141</p> <p>1 compelled to do and take appropriate action. And 2 I'm certainly not going to direct him to do that. 3 He's her immediate supervisor. 4 Q. Ms. Lyde did not receive any 5 discipline as an HSPA during her entire time in that 6 position, correct? 7 A. I would have to review her file. I can't 8 say for certain. 9 (Whereupon Carney-14 was marked for 10 identification.) 11 BY MR. COHEN: 12 Q. Commissioner, I'm showing you what 13 I'll mark as Carney Exhibit 14. And this is -- has 14 a Bates stamp number of City 1843. This is a 15 one-page document. 16 Would you agree -- well, you 17 know what? I'll make this the whole document. It's 18 a 48-page document, Exhibit 14, which is Bates 19 stamped City 1843 through City 1890. 20 On the first page, do you see 21 the personal profile of Ms. Lyde? 22 A. Yes. 23 Q. And that is dated December 2nd, 2022, 24 correct?</p>

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<p style="text-align: right;">Page 142</p> <p>1 A. Correct.</p> <p>2 Q. And this has a reference to the</p> <p>3 performance reports we looked at earlier that all</p> <p>4 show superior performance, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And do you know if any of those</p> <p>7 performance reports refer to her leadership</p> <p>8 abilities?</p> <p>9 A. Not off the top of my head. I would have to</p> <p>10 review them. But I'll -- for the sake of this,</p> <p>11 they're saying "Superior."</p> <p>12 Q. Are those incorrect, in your opinion,</p> <p>13 if they say "Superior" for those years?</p> <p>14 A. That's how DC Bagby rated her. I have no</p> <p>15 other reason to object to them.</p> <p>16 Q. But do you disagree with them?</p> <p>17 A. I don't necessarily disagree. He put that</p> <p>18 in there.</p> <p>19 I think her -- she's doing what</p> <p>20 she can. Is she a major staunch leader if I</p> <p>21 compared her to one of my strongest leaders? No.</p> <p>22 But for his rating, that's how he rated her.</p> <p>23 Q. Under Disciplinary Actions, she has no</p> <p>24 disciplinary actions, correct?</p>	<p style="text-align: right;">Page 144</p> <p>1 questionable, or rejected. And that was during the</p> <p>2 panel discussion.</p> <p>3 Q. And did you also know that</p> <p>4 Deputy Commissioner Bagby has provided the opinion</p> <p>5 under oath in this case that warden positions should</p> <p>6 have been filled from the list? And by "the list,"</p> <p>7 I'm referring to the 2020 promotional list for</p> <p>8 warden.</p> <p>9 A. I was not aware of that. He did not express</p> <p>10 that to me. And that's his opinion.</p> <p>11 Q. Did you have any conversations with</p> <p>12 Deputy Commissioner Bagby about whether or not to</p> <p>13 hire from the list for the warden position?</p> <p>14 A. No, I did not.</p> <p>15 Q. Did you ever ask his opinion for</p> <p>16 whether or not Ms. Lyde or Ms. Albandoz would be</p> <p>17 good wardens?</p> <p>18 A. No, I did not. And I expressed and had</p> <p>19 several conversations with DC Bagby about their</p> <p>20 lackluster performance and what was required for</p> <p>21 them. I repeatedly had conversations with</p> <p>22 Deputy Commissioner Bagby to let him know RTS is the</p> <p>23 number one underperforming unit and he needed to</p> <p>24 address it. He needed to make sure that, as we're</p>
<p style="text-align: right;">Page 143</p> <p>1 A. That's correct here.</p> <p>2 Q. Are you aware of any disciplinary</p> <p>3 action that she has had as an HSPA?</p> <p>4 A. Not to my knowledge. That I can recall at</p> <p>5 this time.</p> <p>6 Q. While Ms. Lyde has been an HSPA, as</p> <p>7 she continues to be, Deputy Commissioner Bagby has</p> <p>8 been her supervisor, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Would you agree that he is in the best</p> <p>11 position to evaluate her strengths and weaknesses?</p> <p>12 A. Yes. He's her immediate supervisor.</p> <p>13 Q. Did you know that he believes Ms. Lyde</p> <p>14 would make a good warden?</p> <p>15 A. No. He hasn't stated that to me.</p> <p>16 Q. Were you part of the conversation</p> <p>17 regarding who would be promoted to warden in</p> <p>18 December of 2022?</p> <p>19 A. Yes.</p> <p>20 Q. In that meeting, did he express any</p> <p>21 opinion as it relates to Ms. Lyde's suitability for</p> <p>22 the position?</p> <p>23 A. He found her to be appropriate. There are</p> <p>24 three ratings: Appropriate or approved,</p>	<p style="text-align: right;">Page 145</p> <p>1 putting all the responsibility and accountability on</p> <p>2 the other staff -- uniform, civilian, contractors --</p> <p>3 he needed to ensure that RTS was doing the same.</p> <p>4 And he simply did not hold them accountable.</p> <p>5 Q. Is there any correspondence or</p> <p>6 documentation you're aware of showing that you</p> <p>7 expressed this belief to Deputy Commissioner Bagby?</p> <p>8 A. No. And as a deputy commissioner and a</p> <p>9 commissioner, I'm not required to reduce every</p> <p>10 directive to writing. It's inappropriate.</p> <p>11 At his level as a</p> <p>12 deputy commissioner, you should be able to</p> <p>13 understand, interpret, and execute, implement,</p> <p>14 manage, and monitor. He is not a frontline staff</p> <p>15 person.</p> <p>16 And you, as a commissioner,</p> <p>17 aren't expecting someone to need -- every time you</p> <p>18 give them a directive that you need to reduce it to</p> <p>19 writing.</p> <p>20 Q. Can you provide any timeline or</p> <p>21 estimate regarding when you conveyed this belief to</p> <p>22 Deputy Commissioner Bagby?</p> <p>23 A. We meet every Monday, with the exception of</p> <p>24 a few cancellations and holidays for executive --</p>

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<p style="text-align: right;">Page 146</p> <p>1 for our deputy commissioner meeting, where we 2 discuss issues. And these issues were discussed 3 with DC Bagby, along with any issues concerning the 4 facilities. So he can attest, and I hope he's very 5 honest about that, that we've had these 6 conversations.</p> <p>7 But I don't have any written 8 dossier about it. I would have to go into a few of 9 my calendar notebooks. I have a book right here I 10 could go through to see if I jotted down notes and 11 when I told him and talked to him about.</p> <p>12 But it takes a lot for a 13 commissioner to have to stop in the performance of 14 their day and document every single thing. At his 15 level, he should be able to receive and make sure 16 it's executed and he's monitoring, managing it, and 17 taking the proper action.</p> <p>18 Q. Do you know whether or not you 19 conveyed your concerns regarding Ms. Albandoz and/or 20 Ms. Lyde to Deputy Commissioner Bagby while they 21 were on the 2020 warden promotional list?</p> <p>22 A. Their performance has been ongoing. These 23 are not limited to that time period. These were 24 simply issues that RTS needed to address to make</p>	<p style="text-align: right;">Page 148</p> <p>1 present, being visible, directing through 2 subordinate staff how to cover housing units.</p> <p>3 He also -- when we had a 4 disturbance, he would come right in, take the lead, 5 address it, command the staff, resolve it, get the 6 unit -- or housing unit back in order.</p> <p>7 So that's been ongoing, just how 8 he responded.</p> <p>9 Q. You mentioned a bit ago a concern that 10 lawyer phone calls were ongoing, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Were those phone calls required as 13 part of the Remick lawsuit?</p> <p>14 A. They were not required, but we wanted to be 15 proactive to get ahead of it and say, we only have a 16 limited number of the virtual capacity, so everyone 17 can't, you know, use those time frames that the 18 attorneys were scheduling. So we were using our 19 staff to say, okay, let's get them on the phone 20 line.</p> <p>21 But as we started to decrease 22 and come out of the pandemic, there were certain 23 things that we were able to discontinue. And they 24 were given the directive, and it went on for</p>
<p style="text-align: right;">Page 147</p> <p>1 sure they were performing. So these are not 2 isolated conversations. These have been ongoing.</p> <p>3 Q. Did you speak with anyone about 4 whether or not Ms. Lyde would make a good warden 5 while she was ranked number one on the promotional 6 list?</p> <p>7 A. No.</p> <p>8 Q. Can an HSPA be a good candidate for 9 warden?</p> <p>10 A. Yes, if they demonstrate the skill set. 11 It's not just the title. It's 12 the skill set. You need people that can demonstrate 13 they have leadership skills. They've been here long 14 enough. Everyone's been given an opportunity to 15 demonstrate how they lead. And they are not the 16 most effective assertive leaders. You need 17 leadership in these positions. Everyone is not 18 going to be on the same page and agree. The work 19 still has to get done.</p> <p>20 Q. Is there any documentation you can 21 point to showing Steven Angelucci was a better 22 leader than Adrienne Lyde in 2021?</p> <p>23 A. I believe we had a shortage of staff and he 24 came in and he led his people. Coming in, being</p>	<p style="text-align: right;">Page 149</p> <p>1 additional six months.</p> <p>2 And it was raised by a social 3 work supervisor. The social work supervisor should 4 not have asked me that question had they received 5 accurate information from the HSPAs and 6 Deputy Commissioner Bagby. And the question was at 7 one of those access to care meetings, "When can we 8 discontinue the legal phone calls?"</p> <p>9 Q. How long were you an HSPA for?</p> <p>10 A. I believe it may be two or three years. I 11 would have to look at my profile. It's been a 12 while.</p> <p>13 Q. And you applied to be a warden from 14 the HSPA position, correct?</p> <p>15 A. Correct.</p> <p>16 Q. At the time you applied to be a 17 warden, did you have any correctional supervisory 18 experience?</p> <p>19 A. I did not have direct supervisory 20 experience, but I was involved in a few responses. 21 I worked closely with my uniform team. I was 22 involved in a riot. And I always made sure that I 23 worked hand in hand with my uniform staff. And I've 24 worked at every level. And I fostered it from the</p>

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<p style="text-align: right;">Page 150</p> <p>1 approach of inclusivity.</p> <p>2 Q. Should a warden candidate have</p> <p>3 correctional supervisory experience in order to be</p> <p>4 hired as a warden?</p> <p>5 A. Not necessarily. But this is when your</p> <p>6 skill set comes in. If you have that, that's a</p> <p>7 plus. But if you don't, you better be a very strong</p> <p>8 leader. Because you still have to command staff to</p> <p>9 get the work done. You have to understand the job</p> <p>10 that they have. And you have to demonstrate.</p> <p>11 You're given an opportunity in</p> <p>12 your career. People are watching how you lead, how</p> <p>13 you make decisions, how you deal with challenges.</p> <p>14 They all had equal -- a level playing field to be</p> <p>15 observed and to demonstrate their leadership skills.</p> <p>16 I think it's a plus if they have it. But if not,</p> <p>17 leadership.</p> <p>18 Q. When did you decide that Adrienne Lyde</p> <p>19 was not suitable to be a warden?</p> <p>20 A. At the panel's decision. When we</p> <p>21 interviewed everyone in December of 2022, everyone</p> <p>22 was given the same set of questions. Everyone had</p> <p>23 to interview for the position. And it was at that</p> <p>24 time.</p>	<p style="text-align: right;">Page 152</p> <p>1 responded and performed during the interview.</p> <p>2 Q. Did you not think about whether</p> <p>3 Ms. Lyde was a suitable warden candidate during the</p> <p>4 pandemic?</p> <p>5 A. I didn't give any thought to it. I didn't</p> <p>6 consider anyone. All I wanted to do was keep these</p> <p>7 facilities operational, to try to keep the staff</p> <p>8 safe, the population safe, and anyone else who set</p> <p>9 foot on the campus. That was my 100 percent</p> <p>10 devotion.</p> <p>11 Q. Doesn't a promotional list for a</p> <p>12 vacancy, where a vacancy exists, require you to</p> <p>13 consider whether those individuals are suitable for</p> <p>14 the position?</p> <p>15 A. I didn't give attention. The weight of the</p> <p>16 world for Covid-19, sir. I ate, slept, and breathed</p> <p>17 Covid-19. I didn't have time to think of much else.</p> <p>18 Q. Going back to Carney Exhibit 11,</p> <p>19 Ms. Bowers was ranked number two on the 2020</p> <p>20 promotional list for warden, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And her score on the exam was a little</p> <p>23 over 97, correct?</p> <p>24 A. Correct.</p>
<p style="text-align: right;">Page 151</p> <p>1 She read from notes on a piece</p> <p>2 of paper in an interview. This was not an open book</p> <p>3 test.</p> <p>4 She also asked, "If I become</p> <p>5 warden, then what happens?"</p> <p>6 You happen. That means you, the</p> <p>7 warden, you jump in the position day one, and you</p> <p>8 run and take it.</p> <p>9 She couldn't answer the</p> <p>10 questions clearly regarding security questions and</p> <p>11 response to an emergency. And she kept asking from</p> <p>12 what perspective was the question.</p> <p>13 You do understand, you were</p> <p>14 interviewing for a warden. It wasn't the</p> <p>15 perspective of an HSPA. And she did not do well,</p> <p>16 and she was questionable for me.</p> <p>17 Q. Was that the first time you determined</p> <p>18 Ms. Lyde was not suitable for the warden position?</p> <p>19 A. Yes. Officially, yes. And when I say that,</p> <p>20 it's because I didn't give thought during the</p> <p>21 pandemic. I went over my responses there. My mind</p> <p>22 was not to see who I could -- but she was given the</p> <p>23 opportunity to present and be compared with her</p> <p>24 peers for that position, and it was based on how she</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. Does that score and rank reflect her</p> <p>2 fitness for the warden position?</p> <p>3 A. No.</p> <p>4 Q. Do you know when Ms. Bowers was</p> <p>5 promoted to deputy warden?</p> <p>6 A. I do not.</p> <p>7 Q. Would she have had to have been a</p> <p>8 deputy warden at least two years in order to qualify</p> <p>9 for this list?</p> <p>10 A. I would have to see the job description. I</p> <p>11 mean, I would have to see it. I can't answer that</p> <p>12 off the top of my head.</p> <p>13 Q. Going back to Carney Exhibit 2. This</p> <p>14 has a final page showing approval in 2014 by the</p> <p>15 advisory board. And I think we've agreed that, in</p> <p>16 2021, this was the specification, correct?</p> <p>17 A. Yes.</p> <p>18 Q. So then, would you agree that also in</p> <p>19 2020, this would have been the specification?</p> <p>20 A. Yes.</p> <p>21 Q. So looking at page 3 of the document,</p> <p>22 would you agree that Ms. Bowers would have had to</p> <p>23 have at least two years' experience as a</p> <p>24 deputy warden to qualify for the position back in</p>

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<p style="text-align: right;">Page 154</p> <p>1 2020?</p> <p>2 A. Yes, based on this.</p> <p>3 Q. Do you happen to know how Ms. Bowers'</p> <p>4 performance evaluations as a deputy warden were?</p> <p>5 A. I do not. That would be two ranks below me,</p> <p>6 and I would not sign off on her performance eval.</p> <p>7 It would have been whoever the warden was, and then</p> <p>8 the deputy commissioner, who would have been Clark,</p> <p>9 countersigned.</p> <p>10 MR. COHEN: We will mark this</p> <p>11 Carney Exhibit 15. It's a 16-page document,</p> <p>12 starting on City 924 and ending City 939.</p> <p>13 (Whereupon Carney-15 was marked for</p> <p>14 identification.)</p> <p>15 BY MR. COHEN:</p> <p>16 Q. Looking at this first page, would you</p> <p>17 agree this is an annual performance report for</p> <p>18 Ms. Bowers, dated August 28th, 2019?</p> <p>19 A. Yes.</p> <p>20 Q. And that she had an outstanding</p> <p>21 ranking?</p> <p>22 A. Yes.</p> <p>23 Q. Going to the next evaluation for 2018,</p> <p>24 she also had an outstanding ranking for 2018?</p>	<p style="text-align: right;">Page 156</p> <p>1 Ms. Bowers was on the promotional list for warden?</p> <p>2 A. Yes.</p> <p>3 Q. How did you know that?</p> <p>4 A. In that e-mail that you put up that</p> <p>5 DC Beaufort sent me.</p> <p>6 Q. Did you speak with anybody about</p> <p>7 whether or not Ms. Bowers would be a good warden?</p> <p>8 A. No, I did not.</p> <p>9 Q. Is there any documentation you are</p> <p>10 aware of reflecting Ms. Bowers' leadership skills?</p> <p>11 A. There's no documentation, but a few direct</p> <p>12 observables about her leadership skills.</p> <p>13 Ms. Bowers was the A&D manager.</p> <p>14 That's our admission and release manager. Before</p> <p>15 covid hit, she was romantically involved with a</p> <p>16 subordinate and was troubled by his conduct -- which</p> <p>17 was very unbecoming -- and didn't know how to handle</p> <p>18 it. And it was brought to my attention that she was</p> <p>19 upset.</p> <p>20 And I saw her in the lobby,</p> <p>21 pulled her to the side, and said, "Hey, is something</p> <p>22 going on you need help with?</p> <p>23 "Oh, no."</p> <p>24 I said, "Well, let me tell you</p>
<p style="text-align: right;">Page 155</p> <p>1 A. Okay.</p> <p>2 Q. And also for 2017?</p> <p>3 A. Yes.</p> <p>4 Q. Do Ms. Bowers' yearly performance</p> <p>5 evaluations reflect her fitness for the warden</p> <p>6 position?</p> <p>7 A. No.</p> <p>8 Q. Ms. Bowers did not receive any</p> <p>9 discipline as a deputy warden, correct?</p> <p>10 A. I would have to see her profile. Again,</p> <p>11 that's two ranks below me, so I can't answer that</p> <p>12 question.</p> <p>13 Q. If Ms. Bowers did not receive any</p> <p>14 discipline as a deputy warden, does that reflect or</p> <p>15 impact her fitness for the warden position?</p> <p>16 A. No.</p> <p>17 Q. You knew Ms. Bowers was on the 2020</p> <p>18 promotional list, correct?</p> <p>19 A. Yes, when it came to -- as you presented.</p> <p>20 Q. Sorry. What --</p> <p>21 A. As you presented the list, it's on there.</p> <p>22 Q. Right. Now you see it.</p> <p>23 But what I'm asking is, back in</p> <p>24 2021, let's say fall of 2021, did you know that</p>	<p style="text-align: right;">Page 157</p> <p>1 what has been brought to my attention."</p> <p>2 She was a deputy warden. This</p> <p>3 was a subordinate correctional officer. And she</p> <p>4 didn't know how to handle it.</p> <p>5 And as a deputy warden -- I</p> <p>6 remarked earlier in my testimony about the survey,</p> <p>7 where it was sexism, racism, and nepotism. I'm not</p> <p>8 proud to say, but that was the department's response</p> <p>9 on how they viewed the department. And in trying to</p> <p>10 change the culture, you have to tackle those issues</p> <p>11 head on.</p> <p>12 It's not about legacy. I'm not</p> <p>13 going to allow sexual harassment. I have zero</p> <p>14 tolerance for it.</p> <p>15 She didn't know how to handle</p> <p>16 it. I instructed her what to do. She filed a</p> <p>17 report with the Office of Professional Compliance.</p> <p>18 And I defended my decision to terminate that</p> <p>19 individual.</p> <p>20 Now, this was an individual that</p> <p>21 was three ranks below her. If this is what the</p> <p>22 survey results said, she couldn't manage if someone</p> <p>23 else was bringing that to her.</p> <p>24 Then during Covid-19 -- again,</p>

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<p style="text-align: right;">Page 158</p> <p>1 it all comes back when the curtains are rolled 2 back -- our protocols were changing rapidly daily, 3 sometimes hourly. That was the time to be visible 4 with your command staff, to show a presence, to walk 5 in that area, to assure them, to see what services 6 or supports or PPE they needed. 7 She would come right from her 8 car, clock in, go right to her office. The staff 9 would never see her. 10 And the intake area, they felt 11 the most vulnerable, the correctional officers and 12 staff, because they were having firsthand contact. 13 They were the first point of contact. She didn't 14 tour the area. She didn't meet with them. And it 15 just continued. Their frustration and anxiety 16 continued to fester. 17 As we were progressing through 18 this process to mitigate the spread, while 19 acknowledging the concerns that the staff had and 20 all the steps we put in place, she just wouldn't 21 leave her office. 22 That's not a leader. You get in 23 the fray. You get in the mix. People should know 24 you are here.</p>	<p style="text-align: right;">Page 160</p> <p>1 quell it. Then she went out on extended leave. 2 And within weeks of 3 Warden Giannetta announcing her retirement, then she 4 comes back. And she expressed, because DC Clark 5 told me, that she talked to him and said, "I'm up 6 next." 7 Again, that's that legacy. The 8 entitlement to think that, you almost 9 single-handedly upended up in the pandemic, didn't 10 show leadership, didn't support your staff, didn't 11 even come out of your office, then you go out, and 12 then you come back when you think it's over. That 13 was not on my radar. 14 I said, "We're not doing 15 promotion." We are in the thick of this. And she 16 decided to resign. 17 Now, I don't know what the 18 extent of their conversation was, but he did raise 19 that to me. But she decided. So she removed 20 herself from the equation. She resigned. No one 21 told her or forced her. She came to the decision, 22 based on whatever conversation. 23 So she didn't even sit for the 24 exam. I mean after this, in the 2022.</p>
<p style="text-align: right;">Page 159</p> <p>1 We started offering the vaccine. 2 We stood up a Covid-19 fully vaccinated housing 3 unit. So that meant anyone who accepted voluntarily 4 the covid vaccine would be housed on this unit. 5 During that time, we remained 6 24 hours a day, seven days a week. We did not stop 7 accepting admissions. 8 She knew the gravity of it, and 9 she buckled under the pressure and couldn't do it 10 and started placing people on a fully vaccinated 11 housing unit that weren't vaccinated. That could 12 have upended everything. 13 Because she couldn't manage. 14 You're the A&D manager. You're supposed to manage 15 under stress. You're supposed to manage operations. 16 Staff should see how you're handling it. And her 17 response was, "I don't know what to do with these 18 people." 19 "These people"? That shouldn't 20 be coming from a leader. 21 Not too long after she went out 22 for an extended period of time, she responded to one 23 disruption. We were all here. She did come to that 24 one incident. We assigned the staff to come in and</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. What is your basis -- let me ask you 2 this way. Do you have personal knowledge that 3 Ms. Bowers would not leave her office? That she 4 would just be in her office and not interact with 5 anyone outside of her office? 6 A. Yes. Because we had to continue to 7 reiterate to the staff at that supervisory level, 8 "Be visible on the floor. Make sure you're 9 answering people's questions, their concerns." 10 We were getting so many 11 questions from B Unit, which was the intake unit and 12 her area of responsibility. And being able to 13 delegate to the staff, "Hey, listen, I need you to 14 do A, B, C, and D. I need you to do it as safely as 15 possible." 16 That wasn't happening. A lot of 17 those complaints were coming from that unit. You're 18 to manage that as a manager. And she just wasn't 19 able to. 20 Q. So specifically to the issue you've 21 raised about her only being in her office, did 22 people tell you that? 23 A. We saw that on video. We have cameras. 24 You're not coming out.</p>

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<p style="text-align: right;">Page 162</p> <p>1 If you're saying -- where's the</p> <p>2 log book? Document where she was when she toured --</p> <p>3 are there any log books which shows her consistently</p> <p>4 touring these areas?</p> <p>5 Any time a supervisor comes on</p> <p>6 the housing unit, they should be entered into the</p> <p>7 electronic log book. Her name was rarely there.</p> <p>8 Q. Did you personally look for</p> <p>9 Ms. Bowers' name in the electronic log book at</p> <p>10 various times?</p> <p>11 A. No. That would not fall under me. I have a</p> <p>12 deputy commissioner to work with, you know, that</p> <p>13 team, to say, "Hey, give me your information."</p> <p>14 That was the report. And based</p> <p>15 on the ongoing exchanges we were having with our</p> <p>16 workforce, people were telling what was happening.</p> <p>17 "Hey, no one is here but us."</p> <p>18 And in a correctional culture,</p> <p>19 people have to know that there is somebody there for</p> <p>20 them.</p> <p>21 And then she became frustrated</p> <p>22 and just started housing people haphazardly.</p> <p>23 Q. Who, if anyone, told you that</p> <p>24 Ms. Bowers was not coming outside of her office?</p>	<p style="text-align: right;">Page 164</p> <p>1 Clark about Ms. Bowers' leadership abilities?</p> <p>2 A. Yes. I said, "If she is not present, you</p> <p>3 need to direct her and instruct her on what to do.</p> <p>4 It's all hands on deck."</p> <p>5 Q. You said that Ms. Bowers nearly</p> <p>6 single-handedly upended the whole thing, right?</p> <p>7 A. For that vaccination housing unit, yes.</p> <p>8 Q. Is there any documentation reflecting</p> <p>9 this concern or issue?</p> <p>10 A. Yes. We would have to go back into the</p> <p>11 record to show.</p> <p>12 When medical was providing and</p> <p>13 confirming, this was a meticulous process. It was</p> <p>14 all eyes on it. Medical had to tell us, "Is this</p> <p>15 person vaccinated? Yes or no?"</p> <p>16 When you started seeing "noes"</p> <p>17 on there, Clark engaged Bowers to say, "Hey, you put</p> <p>18 that guy on there.</p> <p>19 "Oh, I don't know what to do"</p> <p>20 and threw up her hands.</p> <p>21 That was reported to me. That</p> <p>22 can't be.</p> <p>23 Q. Was that a violation of a directive?</p> <p>24 A. Yes. Failure to perform your duties</p>
<p style="text-align: right;">Page 163</p> <p>1 A. So we had Deputy Commissioner Clark. You</p> <p>2 had -- when we would speak to the receiving room</p> <p>3 staff, you would speak to correctional officers.</p> <p>4 Those other the people in those areas.</p> <p>5 Now, are we walking around</p> <p>6 keeping a log book of everyone who said that?</p> <p>7 Absolutely not. We're in a pandemic. We're not,</p> <p>8 you know, taking those copious notes. We're trying</p> <p>9 to get people out there. But there was no push-back</p> <p>10 to say, "No, I'm there."</p> <p>11 Q. So Deputy Commissioner Clark expressed</p> <p>12 concerns to you regarding Ms. Bowers?</p> <p>13 A. Yes. We talked about it. And that's how we</p> <p>14 were able to see, "Hey, wait a minute."</p> <p>15 When I tell you we're in the</p> <p>16 trenches, you have people watching every day. "Did</p> <p>17 this person get the vaccine? Yes or no?"</p> <p>18 And we discovered, "Hey, wait,</p> <p>19 why is this guy even here?"</p> <p>20 And that started to, "Hey, where</p> <p>21 is Bowers on this?"</p> <p>22 So she was brought to his</p> <p>23 attention.</p> <p>24 Q. Did you speak with Deputy Commissioner</p>	<p style="text-align: right;">Page 165</p> <p>1 properly while on duty.</p> <p>2 You knew the gravity of</p> <p>3 Covid-19. We were all stretched. That doesn't mean</p> <p>4 you just throw up your hands and start housing</p> <p>5 people haphazardly. You have people's lives at</p> <p>6 stake. That could have been an epidemic -- a</p> <p>7 breakout.</p> <p>8 We managed considerably well to</p> <p>9 mitigate inside our facilities. And you got tired</p> <p>10 and just said, "Oh, wow, put them on there."</p> <p>11 You could have had an outbreak.</p> <p>12 That's the gravity of it.</p> <p>13 Q. Should Ms. Bowers have been</p> <p>14 disciplined for that incident?</p> <p>15 A. She could have. But again, DC -- whatever</p> <p>16 he did. I don't know if he took action on it.</p> <p>17 But I'm not going to direct a</p> <p>18 subordinate. They have to do their job and make</p> <p>19 that decision.</p> <p>20 Q. Do you have an opinion on whether or</p> <p>21 not Rodica Craescu was suitable to be a warden in</p> <p>22 2020 or 2021?</p> <p>23 A. No, I do not. She was a deputy warden, and</p> <p>24 then she retired. I don't have an opinion one way</p>

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<p style="text-align: right;">Page 166</p> <p>1 or the other.</p> <p>2 Q. Do you know what Ms. Albandoz's</p> <p>3 performance evaluations reflect as an HSPA?</p> <p>4 A. Similar to Ms. Lyde. And my response is the</p> <p>5 same. Deputy Commissioner Bagby has oversight.</p> <p>6 Prior to the curtain being pulled back, they are --</p> <p>7 you have reflected on that sheet. I didn't have a</p> <p>8 reason to not. When I, you know, talked to you</p> <p>9 about the incident when they were at each other's</p> <p>10 throats, being very divisive. But for those</p> <p>11 performance evals, if we didn't have that pandemic</p> <p>12 to expose the vulnerability and what was not</p> <p>13 happening, I may not have found out.</p> <p>14 Q. When was the curtain pulled back?</p> <p>15 A. The curtain started to be pulled back in</p> <p>16 '20, when we had Covid-19, the onset of it. And as</p> <p>17 we started to roll out, everyone -- it was all hands</p> <p>18 on deck.</p> <p>19 We caught a lot of pressure.</p> <p>20 Because we were one of the public safety</p> <p>21 departments. And while other departments were</p> <p>22 allowed to work a hybrid schedule, they were -- the</p> <p>23 social services wanted that, but the key here, they</p> <p>24 don't work in a carceral setting.</p>	<p style="text-align: right;">Page 168</p> <p>1 throughout the jail, six feet, keep your distance.</p> <p>2 Path of least resistance.</p> <p>3 They're the only unit who came up with a hybrid</p> <p>4 approach to provide services to a population that's</p> <p>5 already marginalized.</p> <p>6 Now they're housed in their</p> <p>7 cells, limited to no contact with the outside.</p> <p>8 Really? That's what we came up with? So they went</p> <p>9 against the grain.</p> <p>10 The uniform staff who showed up,</p> <p>11 commendable. Medical staff, commendable.</p> <p>12 Behavioral health staff, commendable. Food service,</p> <p>13 commendable. City maintenance and contracted</p> <p>14 maintenance, commendable.</p> <p>15 The only people that didn't show</p> <p>16 up was social workers under their three leadership.</p> <p>17 When you talk about</p> <p>18 decision-making, you have to work and walk people</p> <p>19 through the process, get them to buy in. There was</p> <p>20 no buying in. "We will just do this, and, you know,</p> <p>21 we don't want the make any waves."</p> <p>22 Q. Did Ms. Albandoz or Ms. Lyde direct</p> <p>23 how much time inmates spent in their cells?</p> <p>24 A. No, they did not. However, they should have</p>
<p style="text-align: right;">Page 167</p> <p>1 We're responsible for the care,</p> <p>2 custody, control, feeding, medical, and behavioral</p> <p>3 and social health of individuals committed to our</p> <p>4 custody. They are not asking to come here.</p> <p>5 So while other departments, that</p> <p>6 was appropriate for their leadership because they</p> <p>7 didn't house their population. Here, I tasked Bagby</p> <p>8 and the HSPAs to come up with how social service</p> <p>9 would provide services.</p> <p>10 Keep in mind, you still have to</p> <p>11 feed, medically clothe, get people the services, the</p> <p>12 basics that they need. Their whole approach was,</p> <p>13 "Oh, we'll come up with a hybrid."</p> <p>14 By the time we got to the</p> <p>15 point -- how did you come up with a hybrid when</p> <p>16 we're a carceral setting?</p> <p>17 You can't provide services from</p> <p>18 your sofa to the population. But, again,</p> <p>19 demonstrating the path of least resistance.</p> <p>20 Their staff weren't the only</p> <p>21 staff who had concerns. And we rolled out, through</p> <p>22 communication, PPE, how you could get it. We</p> <p>23 outfitted their offices with Plexiglas. We</p> <p>24 installed hand sanitizers, put markings all</p>	<p style="text-align: right;">Page 169</p> <p>1 been readily really available when -- again, when I</p> <p>2 said Covid-19, very unpredictable, and when you had</p> <p>3 the opportunity, you wanted to have people in their</p> <p>4 place. But in their case, you didn't.</p> <p>5 So they couldn't determine the</p> <p>6 time they spent in the cell. However, if there was</p> <p>7 an emergency or emergent, where they needed to be</p> <p>8 seen, you can get the person and walk them, at</p> <p>9 least, down to medical, walk them to behavioral</p> <p>10 health, or do it at cell side. RTS wasn't</p> <p>11 available.</p> <p>12 Q. What were the major concerns brought</p> <p>13 forth in the Remick lawsuit that led to the federal</p> <p>14 monitoring?</p> <p>15 A. It was the conditions to which I talked</p> <p>16 about and that are public knowledge.</p> <p>17 When we lost staff in droves, we</p> <p>18 lost the experience. We lost people that could</p> <p>19 command like that. You didn't have that. You</p> <p>20 needed people in place that could keep the facility</p> <p>21 running.</p> <p>22 So we lost record numbers of</p> <p>23 staff in a carceral setting. But for those of us</p> <p>24 who stayed and did the hard work and did the best we</p>

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<p style="text-align: right;">Page 170</p> <p>1 could, RTS wasn't part of it.</p> <p>2 And so you know what the Remick</p> <p>3 litigation is. We put it publicly on our website</p> <p>4 for everyone to see, to be transparent. But the</p> <p>5 more they come in and roll back that curtain, now we</p> <p>6 are seeing RTS information.</p> <p>7 Now we are hearing a monitor</p> <p>8 say, "Hey, and by the way, guys, the population</p> <p>9 wants to see social workers."</p> <p>10 Now, we're looking to say, "Hey,</p> <p>11 you have a backlog. You need to tackle that and</p> <p>12 address it."</p> <p>13 So it's one thing to be wrong.</p> <p>14 It's another thing to stay wrong and do nothing</p> <p>15 about it.</p> <p>16 The moment at which I became</p> <p>17 aware of it, I'm tasking Bagby, Lyde, and Albandoz</p> <p>18 to do the same thing that I tasked every other unit.</p> <p>19 Q. And the moment you became aware of it,</p> <p>20 is that when you set up the access care meeting?</p> <p>21 A. No. We started having these conversations</p> <p>22 for which I said I'm not, as the Commissioner, going</p> <p>23 to stop and keep a little black book and jot down.</p> <p>24 Once I give it to you as a deputy commissioner, you</p>	<p style="text-align: right;">Page 172</p> <p>1 good you're bringing in outside programs, but what</p> <p>2 about the City worker for which they are receiving a</p> <p>3 paycheck and they're not providing services?"</p> <p>4 So they keep coming with</p> <p>5 thinking that's okay.</p> <p>6 Yes, it's great that these</p> <p>7 academias have our inside-out programs. That's</p> <p>8 great. That's less than one percent of the</p> <p>9 population. What about the other 99 percent that</p> <p>10 need a social worker?</p> <p>11 Motivate and get your people to</p> <p>12 work. Support your people. Give them a plan on how</p> <p>13 to provide services to incarcerated people.</p> <p>14 Q. Going back to Carney Exhibit -- I</p> <p>15 believe it's 14, the 48-page document, starting at</p> <p>16 City 1843 and going to 1890; going to page 7, this</p> <p>17 is Ms. Albandoz's personal profile, dated</p> <p>18 December 2nd, 2022. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Would you agree that her performance</p> <p>21 reports for '19, '20, and '22 are all outstanding,</p> <p>22 correct?</p> <p>23 A. Yes, as reported here.</p> <p>24 Q. Do you have some reason to doubt that</p>
<p style="text-align: right;">Page 171</p> <p>1 execute. You understand. You ask questions. You</p> <p>2 execute, monitor, and manage.</p> <p>3 But at the point, again, seeing</p> <p>4 no change and still hearing that people aren't being</p> <p>5 seen, now I need to bring everyone in -- not just</p> <p>6 Bagby and the HSPAs -- because I need to see what</p> <p>7 the supervisor are doing. "What are you doing?"</p> <p>8 The wardens are now in that same</p> <p>9 meeting. And all along the way, I tasked them to</p> <p>10 sit down, meet with the wardens, work out a system</p> <p>11 by which -- this was not the first time.</p> <p>12 Albandoz, Lyde, and Bagby were</p> <p>13 all tasked before these access to care meetings, sit</p> <p>14 down with your wardens, see what you can come up</p> <p>15 with so that you can provide services to</p> <p>16 incarcerated people. Their response is always this:</p> <p>17 We have these programs.</p> <p>18 These programs provide services</p> <p>19 to less than one percent of the population. These</p> <p>20 programs cherry-pick individuals to participate in.</p> <p>21 These programs are from outside providers, which we</p> <p>22 don't command and supervise their staff. It's</p> <p>23 always the path of least resistance.</p> <p>24 I've talked to Bagby, "Yes, it's</p>	<p style="text-align: right;">Page 173</p> <p>1 these are the correct evaluations for her?</p> <p>2 A. No, no doubt. I was just basing it on, at</p> <p>3 the time, this is what he rated her as.</p> <p>4 Q. At the time, this is what</p> <p>5 Deputy Commissioner Bagby rated her, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And how long has Deputy Commissioner</p> <p>8 Bagby been your deputy commissioner?</p> <p>9 A. I appointed Deputy Commissioner Bagby in</p> <p>10 late 2016. And at the -- go ahead.</p> <p>11 Q. No, go ahead.</p> <p>12 A. At that time, we were in a good position as</p> <p>13 far as staffing, had less than the five percent</p> <p>14 vacancy rate. The population was reduced, and it</p> <p>15 was status quo.</p> <p>16 Since I left that position --</p> <p>17 and you would have to -- I believe in 2015, I left</p> <p>18 the HSPA position and I promoted up to</p> <p>19 deputy commissioner.</p> <p>20 RTS, those positions, there's</p> <p>21 nothing innovative that's happened. It's almost</p> <p>22 like they are stuck in time. So it's just the</p> <p>23 status quo of it.</p> <p>24 I couldn't have imagined a</p>

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1 **pandemic was coming. So I don't see any lion's**
 2 **share of innovation happening. It's just the status**
 3 **quo.**

4 **And I appointed him in late**
 5 **2016. I don't have the exact date, though.**

6 Q. Are you aware of any discipline that
 7 Ms. Albandoz has received as an HSPA?

8 **A. I don't believe she received any formal**
 9 **discipline, but she was cited for retaliation**
 10 **against an employee in a lawsuit.**

11 Q. And are allegations in lawsuits
 12 relevant to your considerations on who to promote?

13 **A. No. I was just answering your question.**

14 Q. Do you consider allegations in a
 15 lawsuit to be discipline?

16 **A. No. But when you asked me if I had**
 17 **knowledge of it, it wasn't that. I don't know if**
 18 **she was disciplined for that, but I'm aware of it.**
 19 **I just have to be transparent.**

20 Q. What are you aware of in relation to
 21 the allegations in a lawsuit?

22 **A. There was a lawsuit that the jury found that**
 23 **she had harassed -- retaliated against an employee.**
 24 **And that was the outcome. That's the extent that I**

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1 Q. What if the individual is not offered
 2 an opportunity to interview?

3 **A. I'm not sure why they wouldn't be. Did they**
 4 **decline? In this case, she was offered an**
 5 **opportunity to interview in December of 2022.**

6 Q. Am I correct that there was not an
 7 opportunity for Ms. Albandoz, Ms. Lyde, or
 8 Ms. Bowers to interview for the warden position in
 9 August or September of 2021 when Warden Giannetta
 10 and Warden Talmadge retired?

11 **A. You're correct. And I responded. That was**
 12 **not -- I'm not under any obligation, under the Civil**
 13 **Service rules, to do anything with the list.**

14 Q. And per the Civil Service rules, would
 15 you be the appointing authority? Is that the term
 16 of art that has relevance to you?

17 **A. Yes.**

18 Q. You, as the Commissioner, would you be
 19 the appointing authority?

20 **A. I would sign off, yes.**

21 Q. In order to remove someone from a
 22 certified list, do you need approval from the Office
 23 of Human Resources to do that?

24 **A. I believe I would have to. I've never had**

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1 **know of.**

2 Q. Was that Deanna Pierce? Was that the
 3 plaintiff in that matter?

4 **A. Yes.**

5 Q. Was Ms. Albandoz a defendant in that
 6 matter?

7 **A. I believe she was. I was the defendant, but**
 8 **it called into question and they ruled that she**
 9 **retaliated against. So I would have to see, but I**
 10 **believe it was that she was one of them. Or maybe**
 11 **one of the witnesses that resulted in that award.**

12 Q. Did the jury finding in that matter
 13 impact your decision not to promote Ms. Albandoz to
 14 one of the vacant warden positions?

15 **A. Absolutely not.**

16 Q. Outstanding is the highest ranking --
 17 correct? -- for evaluations?

18 **A. Yes.**

19 Q. Having outstanding evaluations, does
 20 that impact one's fitness for promotion in the
 21 Philadelphia Department of Prisons?

22 **A. No. It's taken in consideration for the**
 23 **totality, but the person still has to interview for**
 24 **the position.**

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1 **that encounter. So I'm basing it, under my**
 2 **understanding, I would not have the ability to just**
 3 **remove someone. I would have to engage them for the**
 4 **process. I've never had to do that, though.**

5 Q. Is there any difference, in terms of
 6 its effect on the applicants on a promotional list,
 7 for whether you choose not to interview or attempt
 8 to remove someone from a list?

9 **A. I can't speak to their frame of mind, sir.**

10 Q. Well, not referencing its effect on
 11 their frame of mind, but referencing its effect on
 12 their ability to be considered for the position.

13 MR. SEIDMAN: Objection to form.

14 If you understand the question.

15 **A. We're not under any obligation -- that's my**
 16 **answer -- to do anything with the list.**

17 Q. Are you under an obligation to
 18 consider them?

19 **A. No. I shared with you there's nothing in**
 20 **the Civil Service that tells me I have to do that.**
 21 **And so, if my -- if it was in a position where I was**
 22 **working to fill it, yes. But I expressed to you**
 23 **where my attention -- my full attention.**

24 **I had 4,700 people's lives in my**

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<p style="text-align: right;">Page 178</p> <p>1 hands. I had a limited workforce. We are trying to</p> <p>2 keep these facilities operating to the best of our</p> <p>3 ability.</p> <p>4 No commissioner has ever managed</p> <p>5 through a pandemic. And I'm not proud to wear that</p> <p>6 badge of honor. But we came through it. And so the</p> <p>7 day-to-day that we really were able to rest in good</p> <p>8 times, that wasn't it. The decision was made to</p> <p>9 keep these facilities running. I did not give</p> <p>10 attention to it.</p> <p>11 Q. Do the Civil Service Regulations have</p> <p>12 a process for temporary promotions?</p> <p>13 A. They do.</p> <p>14 Q. And do you know what that process is?</p> <p>15 A. Yes. You can do temporary promotions, for a</p> <p>16 defined period of time, for positions.</p> <p>17 Q. What process do you have to abide by</p> <p>18 in order to make temporary promotions?</p> <p>19 A. If there is an active list, you would pull</p> <p>20 from that list and make a temporary appointment.</p> <p>21 However, that gives the individuals who are serving</p> <p>22 as a temporary an unfair advantage for when you do</p> <p>23 go to apply, because they can then count that</p> <p>24 towards their experience.</p>	<p style="text-align: right;">Page 180</p> <p>1 identification.)</p> <p>2 BY MR. COHEN:</p> <p>3 Q. This is an eight-page document from</p> <p>4 City 1601 through City 1608.</p> <p>5 Going to the top, would you</p> <p>6 agree this is the Work History Detail for</p> <p>7 Earicka Patterson?</p> <p>8 A. Yes.</p> <p>9 Q. And that it shows Ms. Patterson was</p> <p>10 promoted to deputy warden November 16, 2020?</p> <p>11 A. Yes.</p> <p>12 Q. Going to the next individual, on Bates</p> <p>13 stamped 1603, Edwin Cruz was also promoted to</p> <p>14 deputy warden on November 16th, 2020?</p> <p>15 A. Yes.</p> <p>16 Q. As was Steven Angelucci?</p> <p>17 A. Yes.</p> <p>18 Q. As was Robert Rose?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know of any other supervisory</p> <p>21 positions that were hired from promotional lists in</p> <p>22 2020 and 2021?</p> <p>23 A. Not without looking at the files. And these</p> <p>24 promotions, when I told and testified earlier, we</p>
<p style="text-align: right;">Page 179</p> <p>1 And as I stated before, this was</p> <p>2 not the time for me to play around and see who had</p> <p>3 the skill set to lead during the pandemic. That</p> <p>4 wasn't the time. It was not an option for me.</p> <p>5 I had to keep these facilities</p> <p>6 running, open. I couldn't keep them locked down</p> <p>7 forever. I had to deal with every challenge that</p> <p>8 that pandemic presented.</p> <p>9 So I was not going to compound</p> <p>10 the issue, make it disastrous, by doing a temporary</p> <p>11 appointment, pulling people out, bringing people in</p> <p>12 that would have asked a myriad of questions on where</p> <p>13 we are.</p> <p>14 I don't have time to sit down</p> <p>15 and give you a crash course on this. I made the</p> <p>16 calculated decision that's not the time to do this.</p> <p>17 A pandemic is never the time.</p> <p>18 Q. You did promote other positions in</p> <p>19 2020, correct?</p> <p>20 A. You would have to bring it back to my</p> <p>21 recollection.</p> <p>22 MR. COHEN: I will mark this as</p> <p>23 Carney Exhibit 16.</p> <p>24 (Whereupon Carney-16 was marked for</p>	<p style="text-align: right;">Page 181</p> <p>1 had droves of people leaving, and these were</p> <p>2 experienced people with corrections. The workload,</p> <p>3 the gravity of managing a facility, no one person</p> <p>4 can do it alone. So these deputy wardens were</p> <p>5 crucial.</p> <p>6 Earicka Patterson replaced</p> <p>7 retired Deputy Warden Marco Giannetta. That was a</p> <p>8 crucial stand-alone unit that handled our rosters,</p> <p>9 that handled overtime, that handled deployment. It</p> <p>10 was nonnegotiable that you could leave that position</p> <p>11 open. Unacceptable. So the position and the</p> <p>12 decisions were made.</p> <p>13 Here, there was no way that you</p> <p>14 could have that few deputy wardens in these</p> <p>15 facilities. They needed counterparts because of the</p> <p>16 intricacy and the work assignments, the workloads,</p> <p>17 the overall operation. You can't put that on the</p> <p>18 back of one deputy warden and think that's going to</p> <p>19 fare well. So that's why these promotions were</p> <p>20 made.</p> <p>21 Because even your most</p> <p>22 experienced person would have crumbled under the</p> <p>23 pressure. You simply needed additional staff to</p> <p>24 attack. And any promotion would create a vacancy,</p>

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<p style="text-align: right;">Page 182</p> <p>1 but I had to do the key ones.</p> <p>2 You had enough deputy wardens</p> <p>3 that could stabilize leadership for a facility. But</p> <p>4 what you could not have is one deputy warden for</p> <p>5 each facility. Unacceptable. You're talking</p> <p>6 something totally that I don't even want to imagine</p> <p>7 how that would have fared.</p> <p>8 So we filled those positions</p> <p>9 because you needed that level. So these were the</p> <p>10 folks.</p> <p>11 Q. Was filling those deputy warden</p> <p>12 positions that we've just spoken about more important</p> <p>13 than filling the warden positions that were vacant</p> <p>14 during the Covid-19 pandemic?</p> <p>15 A. Yes. And my answer is the same.</p> <p>16 You can have a warden, but you</p> <p>17 if you don't have any deputy wardens, that's not</p> <p>18 going to serve you well. And if you have an</p> <p>19 ill-prepared or inexperienced warden, it's</p> <p>20 catastrophic.</p> <p>21 You can't just put in a head and</p> <p>22 think it's all going to go well. They need to be</p> <p>23 able, the same way I expect with deputy wardens, as</p> <p>24 having overall responsibility for operations.</p>	<p style="text-align: right;">Page 184</p> <p>1 Carney Exhibit 17.</p> <p>2 (Whereupon Carney-17 was marked for</p> <p>3 identification.)</p> <p>4 BY MR. COHEN:</p> <p>5 Q. Going to the first page, this is a</p> <p>6 14-page document entitled Defendant's Objections and</p> <p>7 Responses to Plaintiffs' First Set of Requests for</p> <p>8 Admissions, and the Defendant in this case being the</p> <p>9 City of Philadelphia. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And then, on the final page, this is a</p> <p>12 verification signed by Gregory Vrato dated</p> <p>13 November 3rd, 2023.</p> <p>14 And Mr. Vrato is the</p> <p>15 Philadelphia Department of Prisons' chief of staff,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. So going to Request Number 21, it</p> <p>19 states, "Admit that Pierre Lacombe was cited in</p> <p>20 Florida for driving under the influence of alcoholic</p> <p>21 beverages in 2016 in Florida," correct?</p> <p>22 A. Yes.</p> <p>23 Q. And the response, after an objection</p> <p>24 based on relevance and proportionality, is that the</p>
<p style="text-align: right;">Page 183</p> <p>1 If I don't have a</p> <p>2 deputy commissioner to execute and to direct, all</p> <p>3 that falls on me. So it's in the best interest to</p> <p>4 have as many deputy wardens at that time and to make</p> <p>5 a thorough, calculated decision for the best</p> <p>6 individual to serve as warden.</p> <p>7 You don't take these positions</p> <p>8 lightly.</p> <p>9 Q. In February of 2022, if you could have</p> <p>10 hired Steven Angelucci to be the warden of CFCF,</p> <p>11 would you have?</p> <p>12 A. I'm not going to go on a hypothetical.</p> <p>13 Everyone has an opportunity. Take the test. Let</p> <p>14 OHR do what they're supposed to do. If there's a</p> <p>15 list, I want to do something with the list. That's</p> <p>16 how it goes. I cannot go into a hypothetical.</p> <p>17 Q. Same question regarding Pierre Lacombe</p> <p>18 in February of '22 as it relates to Riverside</p> <p>19 Correctional Facility.</p> <p>20 A. Same answer.</p> <p>21 Q. How many times has Warden</p> <p>22 Pierre Lacombe been arrested?</p> <p>23 A. Zero, to my knowledge.</p> <p>24 MR. COHEN: I will mark this as</p>	<p style="text-align: right;">Page 185</p> <p>1 request is admitted, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Were you aware of Warden Lacombe's</p> <p>4 citation for driving under the influence of alcohol?</p> <p>5 A. No, I was not.</p> <p>6 Q. Would that impact his suitability for</p> <p>7 the warden position?</p> <p>8 A. Not necessarily. I would have to see the</p> <p>9 facts of the case. I don't have no knowledge of</p> <p>10 this -- any knowledge of this. This is my first</p> <p>11 time. But I would have to review the case in</p> <p>12 totality.</p> <p>13 Q. And the next request is, "Admit that</p> <p>14 Pierre Lacombe was arrested for domestic violence in</p> <p>15 2013 in Florida," correct?</p> <p>16 A. Correct.</p> <p>17 Q. And after an objection based upon</p> <p>18 relevance and proportionality, that request is</p> <p>19 admitted, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Would his arrest for domestic violence</p> <p>22 in 2013 in Florida impact his suitability for the</p> <p>23 warden position?</p> <p>24 A. I would have to see the case in totality. I</p>

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<p style="text-align: right;">Page 186</p> <p>1 can't render a decision. This is the first time I'm</p> <p>2 hearing of either of these. So absent those</p> <p>3 documents, I'm not going to make that decision. I</p> <p>4 have to look at the totality of what was involved.</p> <p>5 And this what was in 2016 and 2013? First I'm</p> <p>6 hearing about it.</p> <p>7 Q. And should he have reported these</p> <p>8 incidents to the department?</p> <p>9 A. Yes, per our policy.</p> <p>10 Q. And if he had reported them, what is</p> <p>11 the process for evaluating the next step?</p> <p>12 A. The totality of all documents relating to</p> <p>13 this would have been reviewed. He would be</p> <p>14 scheduled for a hearing, and then the case would</p> <p>15 have been heard. He would have provided any</p> <p>16 evidence, and then a final decision would have made.</p> <p>17 Q. Do wardens have to have Pennsylvania</p> <p>18 driver's licenses?</p> <p>19 A. Yes.</p> <p>20 Q. Why is that?</p> <p>21 A. They operate and are issued City vehicles</p> <p>22 for use, for take-home privileges, for the express</p> <p>23 purpose of getting to and from and responding to</p> <p>24 emergencies at the facility.</p>	<p style="text-align: right;">Page 188</p> <p>1 A. I would submit that through my chief of</p> <p>2 staff if there was reason for me to put that on my</p> <p>3 radar. He would work with our Office of</p> <p>4 Professional Compliance, who would research and see</p> <p>5 what's the status and get the document.</p> <p>6 Q. Have allegations of sexual harassment</p> <p>7 ever been brought against Pierre Lacombe, to your</p> <p>8 knowledge?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Would allegations of sexual harassment</p> <p>11 potentially impact Pierre Lacombe's suitability for</p> <p>12 warden?</p> <p>13 A. I would have to review the documents. I</p> <p>14 can't make a blanket response or absolute decision</p> <p>15 absent documentation.</p> <p>16 Q. Do you know if Pierre Lacombe</p> <p>17 submitted a diploma from a company called</p> <p>18 Almeda University?</p> <p>19 MR. SEIDMAN: Objection.</p> <p>20 A. I don't know.</p> <p>21 MR. SEIDMAN: You can answer.</p> <p>22 A. I don't know if he submitted that.</p> <p>23 Q. Are you familiar with Civil Service</p> <p>24 Regulation Chapter 10.0923 regarding deception in an</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. Should Pierre Lacombe's driver's</p> <p>2 license be on file with the City of Philadelphia?</p> <p>3 A. It should be.</p> <p>4 Q. Do you know if it is?</p> <p>5 A. That, I don't know. I have no reason to</p> <p>6 look for it to bring it to my attention.</p> <p>7 MR. COHEN: So going to what I</p> <p>8 will mark as Carney Exhibit 18.</p> <p>9 (Whereupon Carney-18 was marked for</p> <p>10 identification.)</p> <p>11 BY MR. COHEN:</p> <p>12 Q. This is an 11-page document titled</p> <p>13 Defendant's Objections and Responses to Plaintiffs'</p> <p>14 Second Request for Production of Documents.</p> <p>15 And on the fifth page, the</p> <p>16 request is for Pierre Lacombe's driver's license.</p> <p>17 And after objections, the response is, "By way of</p> <p>18 further response, upon reasonable investigation and</p> <p>19 review of its records, the City is not in possession</p> <p>20 of documents that are responsive to this request."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. If you wanted Pierre Lacombe's</p> <p>24 driver's license, how would you go about getting it?</p>	<p style="text-align: right;">Page 189</p> <p>1 application for a Civil Service examination?</p> <p>2 A. Can you pull that up? I don't want to</p> <p>3 assume, please.</p> <p>4 MR. COHEN: Sure. And I will</p> <p>5 mark this as Carney Exhibit 19.</p> <p>6 (Whereupon Carney-19 was marked for</p> <p>7 identification.)</p> <p>8 BY MR. COHEN:</p> <p>9 Q. It is an 11-page document Bates</p> <p>10 stamped Plaintiffs 1226 through Plaintiffs 36.</p> <p>11 I will go to page 6, which is</p> <p>12 Bates stamped Plaintiffs 1231. Here it says,</p> <p>13 "Practice or attempt to practice any deception or</p> <p>14 fraud in his or her application, in his or her</p> <p>15 declarations and securing eligibility to compete in</p> <p>16 a Civil Service examination process under</p> <p>17 Subsection 10.0923."</p> <p>18 Do you see that?</p> <p>19 A. Yes, I do.</p> <p>20 Q. Would submitting a diploma showing</p> <p>21 grades received for courses taken where the</p> <p>22 individual submitting that diploma did not attend</p> <p>23 any classes or take a single test for any of the</p> <p>24 courses be a deceptive practice, in your opinion?</p>

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<p style="text-align: right;">Page 190</p> <p>1 MR. SEIDMAN: Objection to form.</p> <p>2 You can answer, if you know.</p> <p>3 A. That, I can't attest whether he attended</p> <p>4 classes or what have you. I am familiar that that</p> <p>5 school, along with several others, had their</p> <p>6 accreditation revoked. That's the most I can speak</p> <p>7 to that. But I can't attest if he, in fact, did or</p> <p>8 did not. But if he was issued that, that's the most</p> <p>9 I could speak to. But I remember that this was one</p> <p>10 of the schools that ran into accreditation issues.</p> <p>11 Q. I will tell you that, in a deposition</p> <p>12 in this case, under oath, Mr. Lacombe testified that</p> <p>13 he did not attend any courses or take any tests for</p> <p>14 any of the classes submitted on his diploma.</p> <p>15 So, based upon that</p> <p>16 representation, can you give an opinion with regards</p> <p>17 to whether he violated this Civil Service regulation</p> <p>18 in submitting that diploma?</p> <p>19 MR. SEIDMAN: Objection to form.</p> <p>20 He didn't say that he didn't disclose any of</p> <p>21 this.</p> <p>22 MR. COHEN: I didn't say not</p> <p>23 disclosure.</p> <p>24 MR. SEIDMAN: But it's a charged</p>	<p style="text-align: right;">Page 192</p> <p>1 A. Because when I needed to fill the</p> <p>2 deputy commissioner for operations, I reached out to</p> <p>3 Deputy Commissioner Clark. I instructed him to meet</p> <p>4 me the following day in my office at 8:00 a.m. And</p> <p>5 he did.</p> <p>6 And I asked his interest. And</p> <p>7 he said, "Commissioner I have something I have to</p> <p>8 tell you."</p> <p>9 I said, "Okay. Go ahead."</p> <p>10 And he told me about the Almeda.</p> <p>11 I did not appoint him as warden.</p> <p>12 So that was under the former commissioner.</p> <p>13 He was forthcoming. He informed</p> <p>14 me that he was enrolled in West Chester University.</p> <p>15 And I accepted that.</p> <p>16 Q. And was an investigation done by the</p> <p>17 Office of Human Resources regarding his submission</p> <p>18 of the diploma from Almeda University?</p> <p>19 A. I don't know whether the former commissioner</p> <p>20 conducted an investigation.</p> <p>21 At the point in which he</p> <p>22 informed me, it was a moot point because he was</p> <p>23 already serving in the warden's position. So I am</p> <p>24 not going to go back after he's come on forward or</p>
<p style="text-align: right;">Page 191</p> <p>1 hypothetical in which it assumes that he did</p> <p>2 this, you know, duplicitously.</p> <p>3 MR. COHEN: Well, I submitted</p> <p>4 what his testimony was.</p> <p>5 MR. SEIDMAN: No. You submitted</p> <p>6 part of his testimony.</p> <p>7 MR. COHEN: What other --</p> <p>8 MR. SEIDMAN: I am not going to</p> <p>9 get into his testimony. I object to the</p> <p>10 form. It's on the record.</p> <p>11 MR. COHEN: Okay.</p> <p>12 BY MR. COHEN:</p> <p>13 Q. Can you answer the question,</p> <p>14 Commissioner?</p> <p>15 A. No, because I don't have the testimony. I'm</p> <p>16 going to defer -- my attorney said you didn't</p> <p>17 provide the full statement. I can't make decisions</p> <p>18 on hypotheticals.</p> <p>19 Q. Did you know that Deputy Commissioner</p> <p>20 Clark also submitted a diploma from</p> <p>21 Almeda University as part of an application for</p> <p>22 warden?</p> <p>23 A. Yes.</p> <p>24 Q. How did you know that?</p>	<p style="text-align: right;">Page 193</p> <p>1 telling me this is what's happened and then</p> <p>2 supplying me with, "By the way, I'm enrolled in</p> <p>3 West Chester University."</p> <p>4 And that was the point at</p> <p>5 which -- because he already admitted there was</p> <p>6 something wrong with Almeda and a certificate. I</p> <p>7 was not going to go back for that. And he had</p> <p>8 already used that and had been in a warden's</p> <p>9 position for some time.</p> <p>10 Q. So are you aware of any determination</p> <p>11 by the Office of Human Resources regarding</p> <p>12 Deputy Commissioner Clark's submission of that</p> <p>13 diploma?</p> <p>14 A. I am not.</p> <p>15 MR. SEIDMAN: Can we take</p> <p>16 60 seconds real quick?</p> <p>17 MR. COHEN: Sure.</p> <p>18 (Short recess taken at</p> <p>19 4:01 p.m.)</p> <p>20 (Proceedings resumed at</p> <p>21 4:07 p.m.)</p> <p>22 BY MR. COHEN:</p> <p>23 Q. Going back, for a moment, to the</p> <p>24 performance evaluations for Ms. Albandoz -- and it's</p>

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<p style="text-align: right;">Page 194</p> <p>1 a seven-page document starting at City 180 through</p> <p>2 City 186 -- looking through the document, which of</p> <p>3 these evaluations did you sign off on?</p> <p>4 A. That's my signature there.</p> <p>5 Q. And this is on the one dated 9/1/22?</p> <p>6 A. Yes. Yes.</p> <p>7 Q. And also your signature on the report</p> <p>8 dated 9/1/20, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Also your signature on the one dated</p> <p>11 9/1/19?</p> <p>12 A. Yes.</p> <p>13 Q. And also your signature on the one</p> <p>14 dated 9/1/18?</p> <p>15 A. Yes.</p> <p>16 Q. Did you review these evaluations</p> <p>17 before signing them?</p> <p>18 A. Yes, I did. And again, based on the</p> <p>19 immediate supervisor who is rating it, I had no</p> <p>20 reason to believe he wasn't accurate.</p> <p>21 But again, my response is</p> <p>22 consistent. It's when you pull back and the data</p> <p>23 shows people weren't doing what they are supposed to</p> <p>24 do.</p>	<p style="text-align: right;">Page 196</p> <p>1 our executive staff meeting, verbally, to say,</p> <p>2 "DC Bagby, HSPA Lyde, and Albandoz, ensure your</p> <p>3 staff are doing and providing the work."</p> <p>4 ORAS, I mentioned ORAS</p> <p>5 specifically. I shouldn't, as the</p> <p>6 deputy commissioner, have to continue to go behind</p> <p>7 staff to make sure they're doing the work. They</p> <p>8 should know what the data points are, what the</p> <p>9 expectations are, identify the backlog and what they</p> <p>10 are doing about it.</p> <p>11 The fact that all of them</p> <p>12 attested that it was being done, it wasn't. And it</p> <p>13 lacks leadership and accountability. Because, you</p> <p>14 know, we were supposed to have done this.</p> <p>15 This is a whole year signed off</p> <p>16 on. You're saying you've implemented it. It's not</p> <p>17 happening.</p> <p>18 Again, at this time I signed off</p> <p>19 on it, I had no reason to believe it wasn't</p> <p>20 happening. But the more this curtain is pulled</p> <p>21 back, that's it. They are not doing and providing</p> <p>22 the work for which they are compensated and holding</p> <p>23 subordinate staff accountable to do the same.</p> <p>24 That's just one example. Just</p>
<p style="text-align: right;">Page 195</p> <p>1 If you could go back to that</p> <p>2 first one you showed for '22. Okay, this one.</p> <p>3 "During this performance period,</p> <p>4 you took leadership in increasing college course</p> <p>5 offerings for the population, offered tax</p> <p>6 preparation for the population, implementing ORAS</p> <p>7 risk assessments and evidence-based thinking for a</p> <p>8 change."</p> <p>9 As recent as yesterday, in</p> <p>10 regard to a program that is in hiatus right now, one</p> <p>11 of the staff person's requests that,</p> <p>12 Temple University, we made an agreement that any</p> <p>13 person assigned -- this was just yesterday --</p> <p>14 assigned to participate in this program would have</p> <p>15 the ORAS risk assessment. That's included in his</p> <p>16 performance evaluation. Standing issue at our</p> <p>17 deputy commissioner's meeting to make sure staff are</p> <p>18 doing just that. That's a risk assessment tool.</p> <p>19 The person -- the staff person said it didn't</p> <p>20 happen. Again, rolling back the curtain.</p> <p>21 Had they not presented that</p> <p>22 information -- which DC Bagby did not object. His</p> <p>23 response is, "Okay, we'll take care of it."</p> <p>24 I reiterated that yesterday at</p>	<p style="text-align: right;">Page 197</p> <p>1 recent as yesterday.</p> <p>2 Q. If you were aware of the leadership</p> <p>3 deficiencies that you've testified Ms. Albandoz has</p> <p>4 at the time you signed this evaluation on</p> <p>5 August 31st, 2022, fair to say you would not have</p> <p>6 signed this evaluation?</p> <p>7 A. That is correct. And that's why you don't</p> <p>8 see an evaluation dated for August of 2023.</p> <p>9 DC Bagby submitted these glowing</p> <p>10 evaluations. Again, understanding now I have the</p> <p>11 data, the backlog of what's not happening, he</p> <p>12 submitted the same exact evaluations for Ms. Lyde</p> <p>13 and Ms. Albandoz, and I refused to sign. Because</p> <p>14 once I became aware of the deficiencies, I'm not</p> <p>15 going to go along just to get along.</p> <p>16 The moment in which that data</p> <p>17 became known to me, I returned them back to DC Bagby</p> <p>18 and I told him, "I will not be signing off on</p> <p>19 this because you and I both know there are</p> <p>20 deficiencies, there are leadership issues, and they</p> <p>21 are not providing and ensuring that subordinate</p> <p>22 staff are providing services to the incarcerated</p> <p>23 population."</p> <p>24 DC Bagby submitted their two</p>

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<p style="text-align: right;">Page 198</p> <p>1 evaluations along with other subordinates that I did 2 sign off on. 3 Now, I didn't write that down. 4 I handed it back to you with your pile. And he 5 should testify correctly, yes, they were included in 6 the performance evals that I returned back to him 7 that were signed off because I had no reason to 8 believe otherwise for those employees. 9 Q. And since you signed off on 10 Ms. Albandoz's evaluation, she has sued the 11 department for gender discrimination, correct? 12 A. I believe her -- 13 MR. SEIDMAN: Objection to form. 14 A. Yes, I hadn't been informed -- 15 performance evals are due September the 1st. Unless 16 she filed her lawsuit -- I had no knowledge that she 17 had filed a lawsuit. 18 Q. I'm referring to the lawsuit for which 19 you are giving your deposition today. 20 A. Right. But that predates. But still, she's 21 saying gender discrimination. Gender, I'm a female; 22 I don't know where that is. I identify as a female. 23 Q. Is it your testimony that because you 24 identify as a female, you cannot discriminate</p>	<p style="text-align: right;">Page 200</p> <p>1 investigations are confidential. I know 2 there has been a lawsuit. I don't know how 3 much it has been disclosed at this point. I 4 don't know what was agreed to be kept 5 confidential or not. But if there are 6 certain items that are confidential, then I 7 would prefer that you don't disclose them. 8 But you can certainly talk generally about 9 the allegations. 10 THE WITNESS: Thank you. I 11 appreciate that. 12 And the allegations in no way 13 included sexual harassment. 14 This is the first time I'm 15 hearing about these allegations. 16 BY MR. COHEN: 17 Q. When you say, "This is the first 18 time," you mean this deposition is the first time 19 you're hearing of any sexual harassment allegations 20 against Mr. Williams? 21 A. Yes, based on today, this, and then just 22 this morning I received this lawsuit, knowledge of 23 this lawsuit. 24 To my knowledge, in my capacity</p>
<p style="text-align: right;">Page 199</p> <p>1 against other women? 2 A. No, that's not my testimony. I'm just 3 responding to what you just shared with me. That's 4 your testimony. I'm not testifying to that. 5 When you said "gender 6 discrimination," I'm just letting you know how I 7 identify, because you raised that issue. 8 Q. Understood. 9 A. Okay. 10 Q. Norman Williams has recently been sued 11 for sexual harassment for his actions as a 12 department, correct? 13 A. I just discovered that. I was not aware. 14 That did not come to me. He was disciplined. I 15 disciplined him for his conduct. But it had no 16 mention of sexual harassment. 17 Q. The alleged conduct by the woman who 18 is suing him is the same conduct for which he was 19 disciplined for, correct? 20 A. That is not correct. He was disciplined for 21 conduct unbecoming. He was meeting with two female 22 shift commanders. And -- 23 MR. SEIDMAN: I wouldn't mention 24 anybody's names. I don't know if these</p>	<p style="text-align: right;">Page 201</p> <p>1 as the Commissioner, I had not received any 2 allegation of sexual harassment against 3 Norman Williams. First I'm hearing about it. 4 Q. The discipline that Norman Williams 5 received for his conduct towards Shanti Lewis -- is 6 that the name of the woman who made the complaint 7 against him? 8 MR. SEIDMAN: You can answer. 9 A. Yes. 10 Q. (Continuing) -- that was for a 11 departmental violation, correct? 12 A. That she received. This is the first time 13 that I'm hearing that a Ms. Lewis lodged a 14 sexual harassment complaint. 15 That was not why he was 16 disciplined. So this is the first time I'm hearing 17 this allegation. 18 Q. Was he disciplined for intimidating 19 Ms. Lewis with a knife? 20 A. Yes. He had a box cutter. 21 Q. And Ms. Lewis is his subordinate 22 officer, correct? Or I don't know if that's the 23 correct term. But she was below him in the 24 hierarchical structure of the department, correct?</p>

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<p style="text-align: right;">Page 202</p> <p>1 A. Correct.</p> <p>2 Q. And that allegation by Ms. Lewis was</p> <p>3 sustained, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And that allegation was sustained</p> <p>6 prior to the decision to promote Mr. Williams to</p> <p>7 warden, correct?</p> <p>8 A. That's correct. And I believe he admitted</p> <p>9 to having that in his hand, which played a part in</p> <p>10 upholding that. His admission, while he was</p> <p>11 speaking with them, he had that in his hand.</p> <p>12 (Whereupon Carney-20 was marked for</p> <p>13 identification.)</p> <p>14 BY MR. COHEN:</p> <p>15 Q. So I'm showing you what's has been</p> <p>16 marked as a Carney Exhibit 20. Is a 19-page</p> <p>17 document. It is a complaint brought by Shanti Lewis</p> <p>18 and Melinda Medina against the City of Philadelphia</p> <p>19 Department of Prisons and Norman Williams. And then</p> <p>20 at the end it is verified by Ms. Lewis, here on page</p> <p>21 16, and by Ms. Medina on page 18.</p> <p>22 I think you said you received</p> <p>23 notice of this lawsuit this morning?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 204</p> <p>1 A. You will have to provide that with me before</p> <p>2 I can attest to that. Do you have that?</p> <p>3 Q. No, I've not been provided that. But</p> <p>4 I'm asking you if you know whether or not there was</p> <p>5 a statement made by Ms. Lewis in regards to the</p> <p>6 discipline that Mr. Williams received.</p> <p>7 A. I believe she made a statement, but I don't</p> <p>8 believe it was regarding Williams.</p> <p>9 To my recollection, Ms. Lewis</p> <p>10 was disciplined by Deputy Warden Vetter for her</p> <p>11 conduct. So this is the first time I'm hearing</p> <p>12 this. And absent those documents, I'm really</p> <p>13 stretching my memory. But this is the first time</p> <p>14 I'm hearing about this sexual allegation.</p> <p>15 Q. Would you agree that Averment 14 is an</p> <p>16 allegation of sexual harassment?</p> <p>17 A. Yes, I agree, based on how she is reporting</p> <p>18 it. But I have no knowledge of it. It is her</p> <p>19 report of the allegation.</p> <p>20 Q. Averment 22 states, "On or about</p> <p>21 June 15th, 2022, Williams called Plaintiff Lewis</p> <p>22 into his office. Williams said, 'Sit down. I'm</p> <p>23 about to do some things to you.' Plaintiff Lewis</p> <p>24 was so upset, she left the office and went into the</p>
<p style="text-align: right;">Page 203</p> <p>1 Q. Did you have a chance to review it?</p> <p>2 A. No, I did not.</p> <p>3 Q. I'm going to the factual allegations</p> <p>4 by Ms. Lewis and going just to Averment 14. It</p> <p>5 says, "From the beginning of her assignment to PICC,</p> <p>6 Williams showed hostility and discrimination towards</p> <p>7 Plaintiff Lewis due to her sex. He made it clear,</p> <p>8 through his words and actions as pled herein, that</p> <p>9 he did not want women to serve as shift commanders</p> <p>10 in PICC. By way of example, on the first day of her</p> <p>11 reassignment to PICC, Williams told Lewis, 'You</p> <p>12 belong to me now.'"</p> <p>13 Do you see that?</p> <p>14 A. Yes, I do.</p> <p>15 Q. Had you ever heard Ms. Lewis'</p> <p>16 allegations against Mr. Williams in this averment</p> <p>17 prior to me just reading it to you?</p> <p>18 A. No, I have not. And if you have the</p> <p>19 disciplinary -- formal disposition for Williams,</p> <p>20 that would be helpful. This is the first time I'm</p> <p>21 hearing this.</p> <p>22 Q. And what about in the statement -- did</p> <p>23 Ms. Lewis give a statement that resulted in</p> <p>24 Mr. Williams' discipline?</p>	<p style="text-align: right;">Page 205</p> <p>1 bathroom. This was a severe incident of harassment</p> <p>2 and discrimination."</p> <p>3 Prior to me just reading that to</p> <p>4 you right now, had you ever been made aware of this</p> <p>5 allegation from Ms. Lewis against Mr. Williams?</p> <p>6 A. No.</p> <p>7 Q. Is that an allegation of</p> <p>8 sexual harassment?</p> <p>9 MR. SEIDMAN: Objection to form.</p> <p>10 She is not a lawyer as to determine what is</p> <p>11 sexual harassment in a legal sense.</p> <p>12 BY MR. COHEN:</p> <p>13 Q. You can answer, Commissioner.</p> <p>14 MR. SEIDMAN: You can answer.</p> <p>15 A. It doesn't say anything in here about sex.</p> <p>16 That's a comment. I don't know the context of it.</p> <p>17 I can't answer that.</p> <p>18 Q. The document sustaining Ms. Lewis'</p> <p>19 claim against Mr. Williams, do you know if that</p> <p>20 document contains all of the allegations</p> <p>21 Mr. Williams made regarding Mr. Williams -- sorry.</p> <p>22 That's a terrible question.</p> <p>23 Did anyone express their opinion</p> <p>24 during the conversation on who to promote made in</p>

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<p style="text-align: right;">Page 206</p> <p>1 December of 2022 that Mr. Williams should not be 2 promoted on account of his discipline? 3 A. No. We met as a panel. Everyone who 4 interviewed, the panelists reviewed all disciplinary 5 records. They reviewed the discipline. And I 6 believe, if I recall correctly, two people had 7 discipline, one more severe than others. And the 8 panel concluded that that would not stop the 9 deputy warden from this promotion. And that was a 10 panel decision. And I believe people put and 11 attested that they found him acceptable. 12 Q. Did you provide an opinion on whether 13 or not then-Deputy Warden Williams' discipline made 14 him acceptable or questionable as it pertained to 15 the promotion to warden? 16 A. The panel discussed. And this was not -- 17 okay, this -- the panel ruled that he was found to 18 be acceptable. 19 Q. Were you part of the panel discussion? 20 A. Yes. 21 Q. In that discussion, did you provide 22 your opinion to whether or not Norman Williams' 23 discipline in October of 2022 deemed him acceptable 24 for the promotion to warden?</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. I believe it's 2022, correct? 2 A. 2022. 3 Q. So, yes. And that's correct. 4 Warden Farrell retired May 13th, 2022. 5 A. Okay. 6 Q. And she was out on leave from the end 7 of 2021, correct? 8 A. That you would have to bring up so I could 9 review it, but that was the last facility with a 10 warden in place. So based on his performance, 11 until, again, that's consistent with what I said is, 12 once you find out there's a deficiency and it's no 13 longer what you believe it is, you take the 14 appropriate action. 15 MR. SEIDMAN: Noah, I've got to 16 jump on that 4:30. 17 MR. COHEN: Okay. 18 MR. SEIDMAN: I will do my best 19 to get back here in 15 minutes, okay? 20 MR. COHEN: All right. 21 (Short recess taken at 22 4:30 p.m.) 23 (Proceedings resumed at 24 4:48 p.m.)</p>
<p style="text-align: right;">Page 207</p> <p>1 A. I, in my response, found him acceptable, 2 based on what I affixed at the top of his interview 3 record. 4 Q. Philadelphia Industrial Correctional 5 Center was found noncompliant in 2022 with state 6 regulations, correct? 7 A. Correct. 8 Q. At the time of that finding, 9 Norman Williams had site responsibility for 10 Philadelphia Industrial Correctional Center, 11 correct? 12 A. He did, with the lion's share of 13 Warden Farrell retiring in May of 2022, I believe if 14 I'm recalling. So the lion's share of the facility 15 at that time, she would have been responsible for 16 ensuring that her facility did not fall under 17 violation. And during that time, deputy warden was 18 performing. And once it was discovered, he was 19 given direct, clear instruction. 20 So this wasn't a situation where 21 he was there longer than the other folks. The 22 warden was still in place in May of 2023, I believe. 23 If you go could back to her record to see when she 24 retired.</p>	<p style="text-align: right;">Page 209</p> <p>1 MR. COHEN: Commissioner Carney, 2 I will share my screen, and I will show you a 3 document Bates stamped Plaintiffs 1007 4 through 1010. I will mark this as Carney 5 Exhibit 21. 6 (Whereupon Carney-21 was marked for 7 identification.) 8 BY MR. COHEN: 9 Q. Looking at the final page, where it 10 says "Ad. Board - 11/14," would this have been the 11 deputy prisons commissioner specifications in place 12 when you appointed Deputy Commissioner Clark? 13 A. Yes. 14 Q. At the time you appointed 15 Deputy Commissioner Clark, did he have a graduate 16 degree? 17 A. No. He was enrolled. 18 Q. And would you agree that, on Page 3 of 19 the document, the minimum educational requirement is 20 a completion of a graduate degree to be a 21 deputy commissioner of the Philadelphia 22 Department of Prisons? 23 A. Yes. Based on this spec, yes. 24 Q. And you also appointed</p>

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<p style="text-align: right;">Page 210</p> <p>1 Deputy Commissioner Beaufort, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And that was in 2019, correct?</p> <p>4 A. I would need you to confirm that date with</p> <p>5 me.</p> <p>6 MR. COHEN: Mark this as Carney</p> <p>7 Exhibit 22.</p> <p>8 (Whereupon Carney-22 was marked for</p> <p>9 identification.)</p> <p>10 BY MR. COHEN:</p> <p>11 Q. It's at seven-page document Bates</p> <p>12 stamped City 1540 through 1546.</p> <p>13 The first page here at the</p> <p>14 bottom here -- and I will make it a little bigger --</p> <p>15 has a date of February 7th, 2019. Can you see that,</p> <p>16 Commissioner?</p> <p>17 A. Yes.</p> <p>18 Q. And if you look up here, as of that</p> <p>19 date, Deputy Commissioner Beaufort was not yet on</p> <p>20 the organizational hierarchical chart, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Going to the next page, in this, on</p> <p>23 the second page, Deputy Commissioner Beaufort is on</p> <p>24 the chart, correct?</p>	<p style="text-align: right;">Page 212</p> <p>1 A. Natalie Payne, who is our training academy</p> <p>2 director, which was once held by a male. Captain</p> <p>3 Sharlise Forman, who -- that position was for -- to</p> <p>4 replace Earicka Patterson when she was promoted to</p> <p>5 the position of warden from deployment. I had a</p> <p>6 public information officer, Mary -- Molly Salerno</p> <p>7 that was appointed.</p> <p>8 Q. Were those -- sorry.</p> <p>9 A. No, go ahead. I'm just trying off the top</p> <p>10 of my head.</p> <p>11 And Earicka Patterson, who is a</p> <p>12 woman that's been appointed to the position of</p> <p>13 warden for Philadelphia Industrial Correctional</p> <p>14 Center.</p> <p>15 Q. What's the difference between hired</p> <p>16 and being appointed? Is there a difference as</p> <p>17 terminology?</p> <p>18 A. The hired, they are already here, with the</p> <p>19 exception of the folks that are my executive exempt</p> <p>20 positions. In the case with Earicka Patterson, she</p> <p>21 was promoted from deputy warden to the warden when</p> <p>22 Norman Williams was demoted as warden during the</p> <p>23 probationary period.</p> <p>24 Q. So there are certain positions that</p>
<p style="text-align: right;">Page 211</p> <p>1 A. Correct.</p> <p>2 Q. The date of that chart is</p> <p>3 September 10th, 2019, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Do you have any reason to doubt the</p> <p>6 dates on these hierarchical organizational charts?</p> <p>7 A. No.</p> <p>8 Q. So based upon that, would you agree</p> <p>9 that you appointed Deputy Commissioner Beaufort in</p> <p>10 2019?</p> <p>11 A. Yes.</p> <p>12 Q. And would these same specifications in</p> <p>13 Carney Exhibit 21 have been applicable at the time</p> <p>14 you appointed Deputy Commissioner Beaufort as well?</p> <p>15 A. Yes.</p> <p>16 Q. And at the time you appointed</p> <p>17 Deputy Commissioner Beaufort, he did not have a</p> <p>18 graduate degree, correct?</p> <p>19 A. Correct. He was enrolled as well in a</p> <p>20 graduate program.</p> <p>21 Q. Have you ever appointed a woman to a</p> <p>22 position?</p> <p>23 A. Yes.</p> <p>24 Q. Who is that?</p>	<p style="text-align: right;">Page 213</p> <p>1 the Commissioner can appoint, correct?</p> <p>2 A. That is correct. And the</p> <p>3 deputy commissioner positions are considered exempt</p> <p>4 positions. And based on the talent and the</p> <p>5 skill set that I had readily available, those</p> <p>6 decisions were made to appoint those</p> <p>7 deputy commissioners.</p> <p>8 Q. The women that you just testified to</p> <p>9 that were appointed, how many of those were to</p> <p>10 exempt positions?</p> <p>11 A. Two. That was Molly Salerno, who served as</p> <p>12 my public information director, and Natalie Payne,</p> <p>13 who trains as the training academy director.</p> <p>14 Q. Have you ever appointed a woman to a</p> <p>15 position that she did not have the minimum</p> <p>16 educational requirement for?</p> <p>17 A. That would be Captain Forman.</p> <p>18 Captain Forman, that position is held initially by</p> <p>19 Marco Giannetta. And then that was</p> <p>20 Earicka Patterson. That resulted in a vacancy.</p> <p>21 And then as the captain, she had</p> <p>22 some experience -- pretty much a lot of good</p> <p>23 experience to do that position. She just needed to</p> <p>24 be -- I don't think it was an educational</p>

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<p style="text-align: right;">Page 214</p> <p>1 requirement with her for that position. And I don't</p> <p>2 think that's a separate stand-alone -- that's an</p> <p>3 internal post that we created.</p> <p>4 So in that case, I would have to</p> <p>5 say no, without the specifics for her. Because I</p> <p>6 don't think that's a deployment lieutenant -- I mean</p> <p>7 to deployment deputy warden. It's just a unit that</p> <p>8 they cover.</p> <p>9 Q. So when you appointed</p> <p>10 Deputy Commissioner Beaufort to the</p> <p>11 deputy commissioner position, he was a deputy warden</p> <p>12 at the time, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Are you aware of any other individuals</p> <p>15 who have been appointed deputy commissioner directly</p> <p>16 from deputy warden?</p> <p>17 A. Not that I can recall.</p> <p>18 Q. At the time --</p> <p>19 A. Wait. From deputy warden to</p> <p>20 deputy commissioner?</p> <p>21 Q. Yes.</p> <p>22 A. Yes. Gerald May. Gerald May was a</p> <p>23 deputy warden, and, based on his skill set, he was</p> <p>24 promoted. Yes.</p>	<p style="text-align: right;">Page 216</p> <p>1 discipline while she was a warden?</p> <p>2 A. Yes.</p> <p>3 Q. Did Warden Talmadge receive any</p> <p>4 discipline while she was a warden?</p> <p>5 A. Yes.</p> <p>6 Q. Have you ever disciplined</p> <p>7 Deputy Commissioner Clark?</p> <p>8 A. No.</p> <p>9 Q. During your employment with the</p> <p>10 Philadelphia Department of Prisons, have you and</p> <p>11 Deputy Commissioner Clark ever been intimate?</p> <p>12 A. No.</p> <p>13 Q. Is there any documentation reflecting</p> <p>14 the leadership skills of Norman Williams?</p> <p>15 A. There is documentation. When he was</p> <p>16 promoted to warden, not one, but two incarcerated</p> <p>17 people escaped on his watch. That was documented</p> <p>18 publicly. And he was demoted back from warden to</p> <p>19 deputy warden.</p> <p>20 Q. Is there any documentation showing</p> <p>21 positive leadership skills for Norman Williams?</p> <p>22 A. Other than what you would have access to,</p> <p>23 which would be his evaluation, which I would not be</p> <p>24 the countersigner of.</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. And when was that?</p> <p>2 A. I can't recall. I previously testified to</p> <p>3 that. And that's a little heavy for me, because</p> <p>4 he's deceased. So I would need the information.</p> <p>5 Q. Was Gerald May ever a warden?</p> <p>6 A. No.</p> <p>7 Q. At the time you appointed</p> <p>8 Deputy Commissioner Beaufort, there were four</p> <p>9 wardens, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Which of the four wardens expressed an</p> <p>12 interest in become deputy commissioner, if any?</p> <p>13 A. They all expressed, I believe, at that time</p> <p>14 interest in becoming a deputy commissioner.</p> <p>15 Q. Did Warden Delaney express an interest</p> <p>16 in becoming deputy commissioner?</p> <p>17 A. Yes.</p> <p>18 Q. Did Warden Delaney receive any</p> <p>19 discipline while he was a warden?</p> <p>20 A. Yes.</p> <p>21 Q. Did Warden Giannetta receive any</p> <p>22 discipline while she was a warden?</p> <p>23 A. Yes.</p> <p>24 Q. Did Warden Farrell receive any</p>	<p style="text-align: right;">Page 217</p> <p>1 Q. Other than that, none?</p> <p>2 A. No.</p> <p>3 Q. Is there any documentation reflecting</p> <p>4 leadership skills of Steven Angelucci?</p> <p>5 A. No, other than his performance evaluations</p> <p>6 and his direct observable leadership skill for the</p> <p>7 incidents that I previously testified to.</p> <p>8 Q. When you say "his direct observable</p> <p>9 leadership skills for the incidents you've</p> <p>10 previously testified to," is there documentation</p> <p>11 you're aware of for those incidents?</p> <p>12 A. Not to my knowledge.</p> <p>13 Q. Is there any documentation reflecting</p> <p>14 leadership skills of Pierre Lacombe?</p> <p>15 A. Not to my knowledge. Other than the</p> <p>16 performance evaluations that they have. And I'm not</p> <p>17 the co-signer on those.</p> <p>18 Q. Does receiving discipline as a warden</p> <p>19 hinder one's ability to be promoted to</p> <p>20 deputy commissioner?</p> <p>21 A. No. It's taken, again, in the totality and</p> <p>22 review of the circumstances.</p> <p>23 MR. COHEN: I will mark this as</p> <p>24 Commissioner Exhibit 23. It's a four-page</p>

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<p style="text-align: right;">Page 218</p> <p>1 document Bates stamped Plaintiffs 1011</p> <p>2 through 1014.</p> <p>3 (Whereupon Carney-23 was marked for</p> <p>4 identification.)</p> <p>5 BY MR. COHEN:</p> <p>6 Q. On the fourth page, it's signed and</p> <p>7 dated by Warden Farrell. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. On the third page, Paragraph 25</p> <p>10 states, "Commissioner Carney targeted myself for</p> <p>11 unwarranted discipline in order to keep me from</p> <p>12 being promoted to deputy commissioner and to instead</p> <p>13 promote unqualified men to the position."</p> <p>14 Do you see that?</p> <p>15 A. Yes, I do.</p> <p>16 Q. And then in Paragraph 31, she states,</p> <p>17 "The three times I received discipline during my</p> <p>18 employment with the PDP was from Commissioner Carney</p> <p>19 or upon her orders and was unjustified."</p> <p>20 Do you disagree with that</p> <p>21 allegation?</p> <p>22 A. Yes, I do.</p> <p>23 Q. Under Paragraph 32, it states, "The</p> <p>24 first discipline I received from her was when I was</p>	<p style="text-align: right;">Page 220</p> <p>1 survey of nepotism, racism, and sexism, the prison</p> <p>2 has a longstanding history of "I'm up next" of</p> <p>3 entitlement, and she believed she was up next.</p> <p>4 We both tested for the oral</p> <p>5 exam. We were scored. We had an interview panel</p> <p>6 here at the prison, and I was selected. And our</p> <p>7 relationship went sour from there.</p> <p>8 She had a very difficult time</p> <p>9 accepting that I was promoted to deputy commissioner</p> <p>10 and not her.</p> <p>11 And she did not mince words</p> <p>12 about it. She would express that to staff, "How did</p> <p>13 she get it job?" So that's when it went sour.</p> <p>14 Q. And that was in 2015; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. So fair to say for the next</p> <p>17 seven years or so, until her retirement, there was</p> <p>18 conflict between the two of you?</p> <p>19 A. There was no conflict on my part. I'm the</p> <p>20 Commissioner. I'm going to hold you accountable to</p> <p>21 perform your duties.</p> <p>22 Q. Is an oral examination a good way of</p> <p>23 determining rank for a promotion?</p> <p>24 A. It's a tool you can utilize to ascertain the</p>
<p style="text-align: right;">Page 219</p> <p>1 warden at CFCF preparing for the Pope's visit."</p> <p>2 Did she receive discipline from</p> <p>3 you while she was warden at CFCF preparing for the</p> <p>4 money's visit?</p> <p>5 A. I don't recall that discipline.</p> <p>6 Q. Do you know if prior to being warden</p> <p>7 under your command she had ever received discipline?</p> <p>8 A. I don't know.</p> <p>9 Q. Is it fair to say that you and</p> <p>10 Warden Farrell had conflict?</p> <p>11 A. Not initially. Warden Farrell and I were</p> <p>12 once assigned to the transition team for Riverside</p> <p>13 Correctional Facility, and we were assigned to a</p> <p>14 trailer on the campus to prepare to open that</p> <p>15 facility.</p> <p>16 And Warden Farrell didn't have</p> <p>17 much friends. The staff over there would not engage</p> <p>18 with her.</p> <p>19 And because we sat across from</p> <p>20 each other, we became good co-workers, because I was</p> <p>21 one the only staff who would engage with her. We</p> <p>22 had a good working relationship up until we both</p> <p>23 came up for the deputy commissioner position.</p> <p>24 And, again, going back to the</p>	<p style="text-align: right;">Page 221</p> <p>1 knowledge of the applicant, but it's not a sole</p> <p>2 indicator. You can have an T&E as well.</p> <p>3 Q. Comparing a T&E and an oral exam, what</p> <p>4 are the strengths of each?</p> <p>5 A. I would refer that to the Office of Human</p> <p>6 Resources that ranks that. Because we don't serve</p> <p>7 as the panel for oral exams. They hire folks that</p> <p>8 are subject matter experts to be on that panel to</p> <p>9 assess, and they use criteria scoring. And as far</p> <p>10 as T&E, I defer to Central HR, because I don't know</p> <p>11 what assessment they are using to come up with their</p> <p>12 ranking system.</p> <p>13 Q. The promotional exam for warden that</p> <p>14 was done in 2022 was initially an oral exam,</p> <p>15 correct?</p> <p>16 A. I can't recall for certain. I'm not sure.</p> <p>17 If you know it was, if you could share that.</p> <p>18 MR. COHEN: Sure. This is a</p> <p>19 nine-page document, starting at Plaintiffs 13</p> <p>20 through Plaintiffs 21.</p> <p>21 (Whereupon Carney-24 was marked for</p> <p>22 identification.)</p> <p>23 BY MR. COHEN:</p> <p>24 Q. And going to the first page. And I</p>

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<p style="text-align: right;">Page 222</p> <p>1 will mark this as Carney Exhibit 24. 2 It states, "Applicant Portal, 3 Warden." And then on the second page, it shows 4 "Announcement Details, Exam Announcement Details." 5 Do you see that? 6 A. Yes. 7 Q. And is this the announcement for the 8 warden that led to the promotions of Warden Lacombe, 9 Warden Williams, and Williams Angelucci? 10 A. I would have to see when that was announced. 11 I see a date, but I can't confirm that. I know they 12 were interviewed in December. So the likelihood, 13 yes, but I need documentation. A lot of dates 14 running around. 15 Q. Fair enough. See if we can do it this 16 way. Under exam number -- I will make this a little 17 bigger. 18 Do you see the exam number for 19 this exam is 5H12-20220711-23-00? 20 A. Yes. 21 MR. COHEN: And I will mark this 22 as Carney Exhibit 25. 23 (Whereupon Carney-25 was marked for 24 identification.)</p>	<p style="text-align: right;">Page 224</p> <p>1 program? 2 A. I cannot recall. 3 Q. If that decision were to be made, who 4 would make it? 5 A. That would be either myself, Deputy Warden 6 Beaufort, and then HR would submit it. But I cannot 7 recall is it a T&E or an oral exam. 8 Q. Which type of exam would be better for 9 ensuring that certain individuals were ranked higher 10 than others? 11 A. It's not an either/or. They are both 12 acceptable forms. 13 Ultimately, the applicant has to 14 pass and excel in that interview with the panel. 15 This is just ranking you. 16 In this case, everyone on this 17 list had an opportunity to present and be 18 interviewed. No one was excluded. 19 So either -- I don't have an 20 either/or. Both of them are acceptable versus Civil 21 Service. They will rate these candidates as they 22 normally do, and then we get that information. 23 No one was excluded from an 24 interview on this list, regardless of if it was oral</p>
<p style="text-align: right;">Page 223</p> <p>1 BY MR. COHEN: 2 Q. It's a three-page document Bates 3 stamped City 1834 through 1836. 4 Looking at page 3 of 5 Carney Exhibit 25 and looking at the rank of who is 6 on this list, would you agree that this is the list 7 that Wardens Williams, Angelucci, and Lacombe were 8 promoted from? 9 A. Yes. 10 Q. And that this list number is the same, 11 5H12-20220711-23-00, as this number here on Carney 12 Exhibit 24? 13 A. Yes. 14 Q. And then, going to page 19, that this 15 announcement was for an oral exam, correct? 16 A. A virtual oral exam, yes. 17 Q. No oral exam was given for this 18 promotional list, right? 19 A. I don't know that to be certain. You would 20 have to confirm it. I don't want to guess and say 21 yes or no. I want to provide accurate testimony. 22 Q. Do you know whether a decision was 23 made by the Philadelphia Department of Prisons to 24 have the exam done by a T&E instead of an exam</p>	<p style="text-align: right;">Page 225</p> <p>1 or a T&E. 2 Q. Does a higher ranking benefit the 3 applicant in regards to this specific list I'm 4 referring, the one that's 5H12-20220711-23-00? 5 A. No. Because the City changed the 6 Rule of Two. The Rule of Two was to ensure that 7 cronyism, years ago, they were able to address. 8 So before you had the 9 Rule of Two, you had to take and choose from one of 10 the top two or work your way through the list. The 11 new process is to ensure that you go the best 12 applicant for the job. 13 So under this list, everyone -- 14 this was no longer a Rule of Two. It was you go 15 into this interview. You show what you know. You 16 do your best. You shine above the rest, to say, 17 "Ah, this position's for me. I can do this job." 18 No one was excluded. No longer 19 the Rule of Two. 20 Because people were held to -- 21 you had to force one or two. That didn't get you to 22 the best candidate. That's why the City changed the 23 Civil Service rules. 24 Q. So you've said you were part of the</p>

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<p style="text-align: right;">Page 226</p> <p>1 conversation regarding who to promote from this</p> <p>2 list, correct?</p> <p>3 A. I was on the panel, correct.</p> <p>4 Q. Once the interviews were done, did you</p> <p>5 and the other panel members discuss who to hire?</p> <p>6 A. Yes. We discussed how people were rated,</p> <p>7 whatever it was, and was there any reason not to</p> <p>8 accept people based on how they interviewed.</p> <p>9 Q. And of these eight individuals on the</p> <p>10 list, was anyone excluded from being promoted from</p> <p>11 your conversation with the other panel members?</p> <p>12 A. Yes. That was William Vetter, who also had</p> <p>13 discipline, and he did not do exceptionally well in</p> <p>14 the interview, as compared to the other seven</p> <p>15 applicants.</p> <p>16 Q. Were any of the other applicants</p> <p>17 excluded?</p> <p>18 A. No.</p> <p>19 Q. How did you pick Norman Williams,</p> <p>20 Steven Angelucci, and Pierre Lacombe out of the</p> <p>21 seven applicants that were left after William Vetter</p> <p>22 was excluded?</p> <p>23 A. Based on the panel forms and how the panel</p> <p>24 rated the individuals, they found them to be</p>	<p style="text-align: right;">Page 228</p> <p>1 Steven Angelucci, Pierre Lacombe, Earicka Patterson,</p> <p>2 Robert Rose. And I don't believe -- myself, I did</p> <p>3 not find Jennifer Albandoz or Adrienne Lyde</p> <p>4 acceptable. They were both questionable, based on</p> <p>5 their performance for the interview.</p> <p>6 Q. When you say you made that decision,</p> <p>7 is it ultimately your decision to make who is</p> <p>8 acceptable and who is questionable?</p> <p>9 A. No. Because the panel list, each weigh in</p> <p>10 and share their observation. And then, ultimately,</p> <p>11 based on the totality of it, there was another rater</p> <p>12 or who did not find Albandoz or Lyde acceptable as</p> <p>13 well.</p> <p>14 If everyone is acceptable, okay,</p> <p>15 that makes it okay. But when you have questionable</p> <p>16 or unacceptable, that doesn't make them now meeting</p> <p>17 the criteria where they are acceptable. So that's</p> <p>18 not going to be just on me.</p> <p>19 There was another rater. I</p> <p>20 believe it was Mr. Vrato. And he found them</p> <p>21 questionable as well.</p> <p>22 So in that case, this is not</p> <p>23 group think here. Everyone has their own ability to</p> <p>24 make a decision, to render a comment, and this is</p>
<p style="text-align: right;">Page 227</p> <p>1 acceptable for the position when comparing all eight</p> <p>2 individuals on this list.</p> <p>3 Q. Once William Vetter was excluded, were</p> <p>4 the other seven candidates rated against each other?</p> <p>5 A. They were not rated against each other. It</p> <p>6 was -- again, you no longer have the Rule of Two.</p> <p>7 It was their performance in the interview.</p> <p>8 This is no longer a Rule of Two.</p> <p>9 It's the performance and how they presented in the</p> <p>10 interview.</p> <p>11 Q. So you said that the seven</p> <p>12 individuals, other than William Vetter, on this list</p> <p>13 were all deemed acceptable, correct?</p> <p>14 A. No. That wasn't the question you asked me.</p> <p>15 You asked me if I excluded anyone. No one was</p> <p>16 excluded.</p> <p>17 Q. Okay. Then let me ask you that</p> <p>18 question.</p> <p>19 Of these seven individuals,</p> <p>20 other than William Vetter, how many were deemed</p> <p>21 acceptable by the panel?</p> <p>22 A. I believe five were acceptable by the panel.</p> <p>23 Q. Which five?</p> <p>24 A. That would be Norman Williams,</p>	<p style="text-align: right;">Page 229</p> <p>1 not group think.</p> <p>2 So they too, myself and</p> <p>3 Mr. Vrato, found them questionable based on their</p> <p>4 performance.</p> <p>5 They were reading from notes.</p> <p>6 They kept asking questions, "Is this in regards to</p> <p>7 what position?" They struggled to answer</p> <p>8 security-related questions.</p> <p>9 So when you are put up against</p> <p>10 not Rule of Two but six other individuals, you have</p> <p>11 to demonstrate what you know. And they weren't able</p> <p>12 to do that. And they were questionable for me.</p> <p>13 Q. I understand they were questionable</p> <p>14 for you.</p> <p>15 A. And Mr. Vrato.</p> <p>16 Q. And Mr. Vrato.</p> <p>17 What I'm trying to understand is</p> <p>18 the process by which you came to Norman Williams,</p> <p>19 Steven Angelucci, and Pierre Lacombe.</p> <p>20 So I understand that initially</p> <p>21 William Vetter is excluded, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And then you've got seven people left.</p> <p>24 Was there a second winnowing,</p>

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<p style="text-align: right;">Page 230</p> <p>1 where you excluded, as a group, Jennifer Albandoz 2 and Adrienne Lyde before you got to the final five? 3 A. No. The panelists expressed that Norman 4 Williams, Steven Angelucci, and Pierre Lacombe were 5 acceptable. We went through every single applicant. 6 Everyone found them acceptable. No objection. 7 Q. Right. And as you've testified, under 8 Rule of List, you don't just look at the top people, 9 right? You look at the whole list; am I correct? 10 A. Yes, we looked at the whole list. And it's 11 based on how people present. They just happened to 12 be the top three. 13 They could have been four, five, 14 and six. But if they excel during the interview -- 15 this is, again, not entitlement, not legacy, not 16 "I'm supposed to be up next." This is based on 17 performance and how well the individual interviewed. 18 And this goes to the City's 19 process to make sure that, even though someone 20 scores this way, your best candidate could have come 21 in at four, five, and six. That removes the 22 Rule of Two. 23 So the panelists found them 24 acceptable and didn't just say, "Oh, he's number 1.</p>	<p style="text-align: right;">Page 232</p> <p>1 Jennifer Albandoz was acceptable or questionable? 2 A. Yes. 3 Q. What was that determination? 4 A. That, because she had two questionables, 5 that would not override the applicants that all had 6 acceptables. 7 Q. Same question regarding Adrienne Lyde. 8 A. Same answer. 9 Q. And you said that the other individual 10 on the panel who rated Ms. Lyde and Ms. Albandoz 11 questionable was Chief of Staff Vrato, correct? 12 A. Correct. 13 Q. The reason he rated them questionable 14 was because they lacked supervisory experience on 15 the correctional side, correct? 16 A. You would have to show me his rating sheet. 17 I can't take a stab at that. 18 Q. Well, do you remember from talking 19 about it? 20 A. No. You are asking me to really dig deep. 21 If you have the form, that would be helpful. 22 Q. So this is the form Mr. Vrato filled 23 out regarding Ms. Albandoz. It's Bates stamped 24 City 1854.</p>
<p style="text-align: right;">Page 231</p> <p>1 He's number 2. He's number 3." 2 No. They indicated they were 3 acceptable. And then they compared them against the 4 other applicants. 5 Q. So are you testifying that their 6 ranking had no impact on whether or not they were 7 hired? 8 A. That's what I'm saying. Because we no 9 longer are bound by the Rule of Two. The Rule Of 10 Two made you bound by that ranking. 11 This now, you are trying to get 12 the best applicants for the job. And they still 13 have to come in and do well. 14 Q. Did the entire group find 15 Earicka Patterson acceptable? 16 A. Yes. 17 Q. Did the entire group find Robert Rose, 18 Junior acceptable? 19 A. Yes. 20 Q. Did the entire group find 21 Jennifer Albandoz questionable? 22 A. No. 23 Q. Did the entire group make a 24 determination, as a group, of whether or not</p>	<p style="text-align: right;">Page 233</p> <p>1 A. Okay. 2 Q. Did Mr. Vrato, based upon this, deem 3 Ms. Albandoz questionable because she lacked 4 supervisory security experience? 5 A. Yes. And that's also going back to your 6 job description, where it's "or, or, or." 7 Now, you would have to ask him 8 how he came up, but I'm reading it here, but it does 9 say "or, or, or." It doesn't say "and, and, and." 10 So he rated her based on that document you showed me 11 with the job description. But I see that he rated 12 her as such. 13 And again, this attests to this 14 isn't group think. You have individuals serving as 15 panelists, and what's important to him, he rendered 16 a decision. 17 Q. Is that a valid basis to deem 18 Ms. Albandoz questionable for the warden position? 19 MR. SEIDMAN: Objection to form. 20 Valid in terms of the Civil Service 21 Regulations or her personal belief? 22 BY MR. COHEN: 23 Q. Can you answer the question, 24 Commissioner, without a clarification?</p>

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<p style="text-align: right;">Page 234</p> <p>1 A. I can't speak for Mr. Vrato. You have to 2 ask him that question. You're asking me to override 3 and interpret what he was thinking. Now, I'm not 4 supposed to have influence on him. I can't -- 5 please let me finish. 6 In this case, I cannot answer 7 that question. This was his comments in his own 8 handwriting. 9 Q. Are you testifying that the lack of 10 supervisory security experience is a legitimate 11 basis to deem an applicant for warden questionable? 12 A. That is not legitimate. I can speak to my 13 comments. When asked the same security question of 14 all applicants, Ms. Albandoz couldn't answer the 15 question for me. She floundered. She was making a 16 joke. She was reviewing notes. She simply could 17 not answer the question. 18 Now, this is Mr. Vrato's. You 19 would have to ask Mr. Vrato his thought. I'm only 20 speaking for my rating. 21 But she had an opportunity to 22 answer the question fully, to the best of her 23 ability. And that same question was presented to 24 the rest of the applicants.</p>	<p style="text-align: right;">Page 236</p> <p>1 document, please present it. 2 Q. Sure. So going to Mr. Vrato's 3 evaluation of Mr. Williams, he deemed Mr. Williams 4 questionable, correct? 5 A. Yes. "Major Williams is an otherwise 6 qualified candidate, but his current discipline 7 makes him questionable. He has the extensive 8 experience, exhibits and has problem-solving, 9 communicates clearly, motivated professional." 10 So he rated that on his 11 discipline. 12 Was he the only other one that 13 had that? 14 Q. Why was that insufficient to 15 disqualify Mr. Williams from being warden? 16 A. The panel agreed that was not sufficient 17 enough. That discipline -- what his performance at 18 the interview -- I mean, he did exceptionally well 19 as compared to Albandoz and Lyde without discipline. 20 They were still -- they could 21 not answer the questions. So now you're looking at 22 the system working the way it's supposed to. You 23 are not excluding people based on discipline. They 24 still have to show up and perform. But even having</p>
<p style="text-align: right;">Page 235</p> <p>1 Q. Going back to the list, if 2 Ms. Albandoz and Ms. Lyde were deemed not to be as 3 worthy of being promoted because of two individuals 4 on the panel dealing them questionable, the other 5 five individuals left were rated against each other, 6 correct? 7 A. The best applicants were selected. This is 8 not where you're saying one, two, and three. You 9 compared and said who did well, who answered the 10 questions, who performed, who demonstrated 11 leadership, ability, knowledge, all of that. You 12 had five other people who were all acceptable. 13 And I can't keep going back. 14 This is not a group think. Everyone does not have 15 to agree. It's based on the individual applicant. 16 And those individuals were identified as acceptable 17 and two were not, of the panelists. 18 The majority of those folks all 19 had acceptables. Ms. Albandoz and Ms. Lyde had 20 questionables. 21 Q. Mr. Williams had a questionable. 22 A. Did he? If you can bring it up. But that 23 wasn't something you asked me. And I don't have it 24 in front of me. Certainly, if you have the</p>	<p style="text-align: right;">Page 237</p> <p>1 no discipline, they still failed in comparison to 2 Williams. 3 MR. COHEN: I'd like to go to 4 six. Then I think we should be done. That's 5 seven hours. 6 THE WITNESS: Okay. 7 MR. COHEN: Commissioner, I will 8 mark this as Carney Exhibit 26. 9 (Whereupon Carney-26 was marked for 10 identification.) 11 BY MR. COHEN: 12 Q. It's a six-page document Bates stamped 13 Plaintiffs 1015 through 1020, signed by 14 Warden Giannetta on page 6. 15 And going to page 5, 16 Warden Giannetta states, "Given that Warden John 17 Delaney retired a few months later, all three 18 wardens who were qualified for the 19 deputy commissioner position were female: 20 Warden Talmadge, Warden Farrell, and myself. 21 Instead of promoting a woman, however, 22 Commissioner Carney chose instead to promote 23 Deputy Warden Xavier Beaufort to the 24 deputy commissioner position. I believe not</p>

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<p style="text-align: right;">Page 238</p> <p>1 considering Warden Talmadge, Warden Farrell, or 2 myself for the position was discriminatory on the 3 basis of our sex." 4 Did you consider 5 Warden Talmadge, Warden Farrell, or Warden Giannetta 6 for the position of deputy commissioner? 7 A. No, I did not. And it was based on their 8 performance. They were all underperforming as 9 wardens. It was that entitlement. 10 When the City began doing their 11 diversity, equity, and inclusion work -- and 12 Nolan Atkinson was the director of that unit for the 13 City -- the departments were tasked to make sure 14 that nepotism, sexism, and racism were no longer 15 supported. 16 The DEI work, which is, I just 17 explained, diversity, equity, and inclusion, we had 18 our initial meeting here at the CFCF, third floor 19 conference room. Nancy Giannetta remarked at that 20 time, "They're taking our jobs." "They." 21 That is totally what the City 22 was trying to do away with. And that reinforced the 23 results of the survey, which were sexism, racism, 24 nepotism.</p>	<p style="text-align: right;">Page 240</p> <p>1 At these positions, 2 Nancy Giannetta had become accustomed and thought it 3 would be entitlement. As people historically 4 promoted up at the prison, the higher you got, the 5 less work you did. And she was part of that thought 6 process. 7 But corrections was changing. 8 It was criminal justice reform, and there was a lot 9 more emphasis placed on the warden's leadership to 10 get new initiatives, programs, activities for the 11 population. She didn't subscribe to that. 12 Cathy Talmadge, who has 13 discipline for providing a false statement before I 14 was appointed, under my appointment did the same 15 thing. She had a correctional officer and provided 16 a false statement, and when she was caught in that 17 lie, she couldn't do much with it and tried to back 18 her way out of it. 19 She had a correctional officer 20 intentionally assigned to a housing unit to cover 21 the incarcerated population where none existed, 22 again, consistent with providing false statements, 23 and subscribed to the higher you get, the less work 24 you do.</p>
<p style="text-align: right;">Page 239</p> <p>1 Now, Nancy Giannetta, lackluster 2 performance, didn't know how to command. 3 We had staff who would just walk 4 off their post. I instructed DC Clark for the 5 warden to address roll call, to address her 6 workforce for the expectations, to acknowledge their 7 challenges and their frustrations. 8 She stood right at the area of 9 the facility where staff came out and were leaving 10 their posts in record numbers without being properly 11 relieved and said, "I don't know what difference 12 this makes. It's not going to help." 13 You're the warden of the 14 facility. 15 So her performance was 16 lackluster. 17 Then she also became 18 intoxicated, her and her husband, where 19 Deputy Commissioner Clark called her husband, 20 Marco Giannetta, to ask a question or ask her a 21 question, and, on their time off, they were having 22 cocktails, and they cursed at the 23 deputy commissioner. He disciplined them, and the 24 case the charges were upheld.</p>	<p style="text-align: right;">Page 241</p> <p>1 That's corrections back in the 2 '80s and the '90s. Criminal justice reform requires 3 so much of your wardens now. 4 Warden Farrell just had an issue 5 with me being promoted and was lackluster and made 6 no qualms about being as resistant as possible and 7 subscribed to not always moving forward with 8 criminal justice reform. 9 Criminal justice reform means 10 that people should be treated with dignity and 11 respect, and they should be given what they're due. 12 These wardens had legacy here. 13 And just because they thought they were next in 14 line, they were not the best candidates. And that 15 is why Deputy Commissioner Beaufort was promoted to 16 deputy commissioner. 17 I considered them based on how 18 they were operating their facilities. Did they 19 subscribe to criminal justice reform? And they 20 still were just in that mindset, "I'm up next. I 21 can sit at any desk, put my feet up and let it go." 22 So much more is required of a 23 warden. And they didn't demonstrate it. 24 And each time they were</p>

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<p style="text-align: right;">Page 242</p> <p>1 disciplined, it was warranted.</p> <p>2 Q. What discipline had Warden Talmadge</p> <p>3 received prior to being under your leadership?</p> <p>4 A. Warden Talmadge, I believe, received</p> <p>5 discipline when she provided a false statement that</p> <p>6 she was not in an area. It was reported by</p> <p>7 Deputy Warden Vetter that she was taking and</p> <p>8 removing items from the facility. When he brought</p> <p>9 that to attention of the leadership, she provided</p> <p>10 the false statement and said, "It wasn't me. I</p> <p>11 wasn't even there."</p> <p>12 But her swipe card indicated</p> <p>13 otherwise. And she was -- the charges were upheld,</p> <p>14 and she was found guilty.</p> <p>15 Q. Is it fair to say you had conflict</p> <p>16 with Warden Talmadge while she was a warden under</p> <p>17 your leadership?</p> <p>18 A. No, I had no conflict with her.</p> <p>19 Q. Is it fair to say you had conflict</p> <p>20 with Warden Giannetta when she was a warden under</p> <p>21 your leadership?</p> <p>22 A. No. This was holding people accountable.</p> <p>23 This was making sure, as a warden, you just weren't</p> <p>24 the warden of old days. You had to work. And if</p>	<p style="text-align: right;">Page 244</p> <p>1 positions. They were crucial to efficient and safe</p> <p>2 operations.</p> <p>3 So if you know and you can</p> <p>4 forecast that in advance -- which it's documented,</p> <p>5 we were at the forefront. Other public safety</p> <p>6 departments are just now doing that -- that was the</p> <p>7 right decision to make, because the workforce had</p> <p>8 changed. So you knew that, based on the data, who</p> <p>9 you had in your workforce.</p> <p>10 Q. So what did you do to effectuate that</p> <p>11 change, in other words, to remove the bachelor's</p> <p>12 degree requirement from the warden specifications?</p> <p>13 A. So that was to expand our applicant</p> <p>14 potential pool. And I worked closely with the</p> <p>15 Office of Human Resources, who is responsible for</p> <p>16 managing that. There were several meetings back and</p> <p>17 forth. And ultimately, the rationale was accepted.</p> <p>18 And the rationale is now</p> <p>19 supported by the Philadelphia Police Department on</p> <p>20 what changes they made, the Pennsylvania State</p> <p>21 Troopers, the decisions that they make.</p> <p>22 And you're seeing more of this.</p> <p>23 Because when you're looking at data, your existing</p> <p>24 pool, looking at who is going to retire or who has</p>
<p style="text-align: right;">Page 243</p> <p>1 holding you accountable, requiring you to perform,</p> <p>2 was interpreted as conflict, that's their</p> <p>3 interpretation, but I held them accountable to do</p> <p>4 the job.</p> <p>5 Q. What role did you play in changing the</p> <p>6 requirement that a warden needs a bachelor's degree?</p> <p>7 A. We were at the forefront with criminal</p> <p>8 justice reform. And now most, if not all, of your</p> <p>9 public safety clusters are doing what we did two or</p> <p>10 three years ago. Because, again, data is driving</p> <p>11 your decisions. We knew that our workforce who were</p> <p>12 to meet those requirements would be slim to none.</p> <p>13 You just recently had the</p> <p>14 Pennsylvania State Troopers remove their requirement</p> <p>15 and adjust. You just recently had the Philadelphia</p> <p>16 Police Department remove some of their requirements</p> <p>17 and adjust. Because you can no longer get the</p> <p>18 numbers that you want once attracted to these</p> <p>19 positions.</p> <p>20 Based on the data, we were at</p> <p>21 the forefront. And I didn't want to be in a</p> <p>22 position where you only had one or two people and</p> <p>23 you had multiple positions.</p> <p>24 These positions are serious</p>	<p style="text-align: right;">Page 245</p> <p>1 the potential, you should position yourself to be</p> <p>2 ready so you are not looking at the slimmest of</p> <p>3 selection.</p> <p>4 Because, again, you cannot</p> <p>5 simply put someone in this position because they</p> <p>6 think they are next or they are legacy. That would</p> <p>7 create a bedlam for me and five times the work as a</p> <p>8 commissioner.</p> <p>9 Q. Eliminating that bachelor's degree</p> <p>10 retirement benefitted Norman Williams, correct?</p> <p>11 A. It didn't benefit any particular individual.</p> <p>12 Eliminating and removing that and revising that made</p> <p>13 it accessible to people who would not have had that</p> <p>14 opportunity but had a skill set and had experience.</p> <p>15 So that expanded the pool. That was not designed to</p> <p>16 cherry-pick for any individual.</p> <p>17 Q. Were you happy with the job</p> <p>18 Norman Williams was doing at PICC with oversight</p> <p>19 responsibilities prior to his promotion?</p> <p>20 A. He was status quo and it was acceptable.</p> <p>21 Q. Cancelling the February, 2022,</p> <p>22 promotional exam for warden benefitted</p> <p>23 Norman Williams, correct?</p> <p>24 A. No. I gave no thought to the cancellation.</p>

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<p style="text-align: right;">Page 246</p> <p>1 Again, my answer, I've testified. I did not have 2 time to sit down and think of who would be 3 benefitted and who wouldn't. I was maintaining 4 operations during a pandemic, for which you don't 5 have any idea of what it took to lead this 6 department during a pandemic that set the global 7 population down. 8 Q. Cancelling the February, 2022, 9 promotional exam for warden let Steven Angelucci 10 qualify for the promotional list when it occurred 11 later on that same year, correct? 12 MR. SEIDMAN: Let him? Object 13 to form. No. It allowed him to take an 14 exam. 15 MR. COHEN: Sure. Let's ask 16 that question. 17 BY MR. COHEN: 18 Q. If the 2022 promotional exam for 19 warden had been given in February, would 20 Steven Angelucci have been able to take it? 21 MR. SEIDMAN: Objection to form. 22 I don't think she can answer that question. 23 MR. COHEN: I'll ask it. 24 MR. SEIDMAN: Civil Service</p>	<p style="text-align: right;">Page 248</p> <p>1 there was no application. 2 A. Okay. I don't have that in front of me. 3 And we've been talking about a lot of dates, and you 4 know I'm asking for information so I can answer it 5 correctly. 6 Q. So we have been talking about a lot of 7 dates and a lot of information. So I will 8 reiterate, Ms. Lyde was ranked one on the 2020 9 February exam, correct? 10 A. Yes. 11 Q. And then, looking at the 2022 exam, 12 she's ranked last, right? 13 A. Yes. 14 Q. Did changing the exam structure from 15 an oral exam to a T&E negatively affect Ms. Lyde's 16 ranking? 17 A. I can't answer that question. I previously 18 answered you have to ask OHR. Both of these are 19 acceptable methods. I don't know the full context 20 of what they used to arrive here. You would have to 21 ask OHR. 22 Q. Was the Philadelphia Department of 23 Prisons involved in the training and experience 24 grading criteria?</p>
<p style="text-align: right;">Page 247</p> <p>1 could decide. 2 BY MR. COHEN: 3 Q. Can you answer the question, 4 Commissioner? 5 A. No, I cannot. 6 Q. Okay. Did he meet the requirements 7 for the warden position that were in place in 8 February of 2022? 9 A. Yes. 10 Q. How so? 11 Let me ask it this way: Did he 12 have the specific experience to meet the minimum 13 requirements for warden in February, 2022? 14 A. OHR determined that he met the requirements. 15 Q. They made that determination for the 16 exam that was given in September, correct? 17 A. September of what? 18 Q. 2022. 19 A. Yes. 20 Q. Right. I'm asking about in February, 21 did he meet the -- 22 A. OHR didn't render a decision on him, did 23 they? I'm not sure if he applied for it. 24 Q. Well, it was canceled, right? So</p>	<p style="text-align: right;">Page 249</p> <p>1 A. No, we were not. That is done by OHR under 2 the Civil Service guidelines. A department cannot 3 rate and grade its -- we wouldn't even know where to 4 begin. We are not proficient in OHR certification 5 and the skills required to certify a list. 6 Q. How long have you worked for the 7 Philadelphia Department of Prisons? 8 A. Twenty-eight years. 9 Q. In that time, do you know of any 10 promotional lists for warden that existed where 11 vacancies existed for the warden position that were 12 not filled from an active promotional list? 13 A. I do not know. There have been several 14 commissioners in place during that time, and I do 15 not know. I don't have access to that information. 16 Q. During your time as commissioner, have 17 you let any other promotional lists expire where 18 vacancies existed for the position without promoting 19 from the list? 20 A. Yes. Not as commissioner, but as a Human 21 Service Program Administrator. In 2014, then former 22 Commissioner Louis Giorla, we had about 30-plus 23 applicants for social work service manager, and we 24 were not able to onboard those folks. Those folks</p>

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<p style="text-align: right;">Page 250</p> <p>1 went and accepted other positions, and the list 2 ultimate just expired. So that was the time that I 3 can recall. 4 But not as the Commissioner. 5 Because, as I testified before, you can't have one 6 deputy -- I mean one deputy warden running an entire 7 facility. 8 So based on my recollection, I 9 don't believe that's the case. 10 Q. And you have been Commissioner, at 11 this point, for seven years, correct? 12 A. It's eight years. Seven and a half. 13 Q. How many promotional lists have 14 existed -- can you estimate? -- during the seven and 15 a half years you have been commissioner? 16 A. I cannot estimate and wouldn't try. 17 MR. COHEN: I think we are up to 18 27. I will mark this as Carney Exhibit 27. 19 (Whereupon Carney-27 was marked for 20 identification.) 21 BY MR. COHEN: 22 Q. I am showing you a two-page document 23 Bates stamped City 1551 and 1552. 24 Have you ever seen this document</p>	<p style="text-align: right;">Page 252</p> <p>1 was taken. 2 Adrian Christmas was a 3 deputy warden at some point. And then she retired. 4 I believe she was on one of those lists that 5 expired. And her name is just coming to me. 6 And you asked me that question, 7 and I'm saying I don't recall. But I believe she 8 was on a list that expired, and then she opted to 9 retire. Adrian Christmas. And that's been some 10 time. But that would have been during my 11 appointment years. 12 Q. Okay. My question is, the list that 13 Ms. Lyde -- 14 A. I answered your question. I don't see it 15 here. But you asked me prior to bringing this did I 16 ever have that, and that's a recollection that I'm 17 having. I don't know the accuracy. 18 But I believe, if I'm 19 remembering correctly, there was a list that 20 Adrian Christmas, who was a female deputy warden, 21 was on and it expired. 22 Q. Okay. 23 A. Okay, I'm just, as it's coming to me, trying 24 to answer your question.</p>
<p style="text-align: right;">Page 251</p> <p>1 before? 2 A. It's not readily coming to my memory that 3 I've seen it. 4 Q. On the first page here, it says, "As 5 of today, the Department of Prisons requested four 6 certifications for the warden position. Below are 7 the associated exam numbers that correspond with 8 each certification number." 9 Do you see that? 10 A. Yes. 11 Q. Would you agree with me that the 2020 12 February list, on which Ms. Lyde, Ms. Bowers, 13 Ms. Craescu, and Ms. Albandoz were on, is not 14 listed? 15 A. I would have to refer back to that document 16 that gives me their exact number. I can't say that 17 just glancing here. 18 Q. Okay. So looking at the number in 19 which they are on, 5H12-20191216-23-00, and then 20 going back to Carney Exhibit 27, do you agree that 21 number is not listed here? 22 A. I agree that number is not listed. And I 23 would -- there is something coming to my memory that 24 a deputy warden who was on the list, but no action</p>	<p style="text-align: right;">Page 253</p> <p>1 Q. Okay. Per this document, at least, 2 the list that Ms. Lyde, Ms. Bowers, Ms. Craescu, and 3 Ms. Albandoz were on for the warden promotion was 4 not certified by the Department of Prisons, correct? 5 A. I don't know that to be true. I don't know 6 why it's not on here, and I don't know who provided 7 this document. So I can't answer your question. 8 I see it's not on here. That I 9 can answer. 10 Q. Right. And do you know of any 11 document that shows that the list established 12 February 21st, 2020 was certified by the Office of 13 Human Resources? 14 A. You referenced an e-mail earlier that said 15 it was established and that the prison could request 16 a certification. That's my extent involving that 17 list. 18 Q. Okay. I'm going to go to the second 19 page of this document. Here it says, "Number of 20 warden vacancies: 2020, 0 of four; 2021, 0 of 3, 21 2022, 2 of 3; 2023, 0 of 3." 22 Do you agree with what is stated 23 there? 24 A. No, I cannot 100 percent. I need documents</p>

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<p style="text-align: right;">Page 254</p> <p>1 side by side.</p> <p>2 As we've testified, as documents</p> <p>3 you've provided, people had various times in which</p> <p>4 they retired, and I want to -- you know, I can't</p> <p>5 just look at this and say yes. So if you can</p> <p>6 reference those documents back, I can give you a</p> <p>7 clear answer.</p> <p>8 Q. Okay.</p> <p>9 A. But I can't recall all of their dates of</p> <p>10 retirement.</p> <p>11 Q. Fair enough. I will pull them all</p> <p>12 out, just so we can look at it quicker.</p> <p>13 So per Ms. Farrell's</p> <p>14 Work History Detail, she retired May 13th, 2022.</p> <p>15 Per Ms. Talmadge's Work History Detail, she retired</p> <p>16 September 24th, 2021. And per Ms. Giannetta's</p> <p>17 Work History Detail, she retired August 20th, 2021.</p> <p>18 So based upon that information,</p> <p>19 is this information here at the bottom of Carney</p> <p>20 Exhibit 27 regarding number of warden vacancies</p> <p>21 accurate?</p> <p>22 A. 2021 should be two of -- well, no, that's</p> <p>23 when they retired. But that's 2021.</p> <p>24 Cathy Talmadge and</p>	<p style="text-align: right;">Page 256</p> <p>1 A. No.</p> <p>2 Q. Do you know what the County</p> <p>3 Commissioners Association of Pennsylvania is?</p> <p>4 A. Yes.</p> <p>5 Q. And what is that?</p> <p>6 A. This is the agency that we, as a third-party</p> <p>7 vendor, utilize to manage our Medicaid costs for</p> <p>8 incarcerated individuals who become hospitalized and</p> <p>9 who bears the costs during their hospitalization</p> <p>10 stay.</p> <p>11 Q. It's a 48-page document. I'm going to</p> <p>12 the 29th page. Here it states, "Acting Warden</p> <p>13 Steven Angelucci," correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Was Steven Angelucci ever the acting</p> <p>16 warden for Curran-Fromhold Correctional Facility?</p> <p>17 A. No, he was not. And I don't know who is the</p> <p>18 author of this that would give him that title.</p> <p>19 Q. It also lists Pierre Lacombe as acting</p> <p>20 warden of Riverside Correctional Facility, correct?</p> <p>21 A. That is correct. I'm not the author of this</p> <p>22 document, and they were not assigned that title by</p> <p>23 me. They remained -- they maintain their title as</p> <p>24 deputy warden.</p>
<p style="text-align: right;">Page 255</p> <p>1 Michele Farrell retired in 2021. And then in</p> <p>2 2022 -- no. Yes, it's two. It's Nancy Giannetta</p> <p>3 and Cathy who retired in 2021. And then</p> <p>4 Michele Farrell retired 5/13/2022.</p> <p>5 Q. Okay. So should 2021 say two of three</p> <p>6 vacancies?</p> <p>7 A. Yes. Because they retired --</p> <p>8 Nancy Giannetta retired 8/20/21. Cathy Talmadge</p> <p>9 retired 9/24/2021. And I don't know who prepared</p> <p>10 this document. So ...</p> <p>11 Q. And should 2022 say three of three</p> <p>12 vacancies?</p> <p>13 A. As of 5/13/2022. This doesn't tell the</p> <p>14 totality because you still had people in place,</p> <p>15 given their actual month of retirement.</p> <p>16 Michele Farrell was in place until 5/13/2022.</p> <p>17 MR. COHEN: I am just about</p> <p>18 done. I appreciate all of your time.</p> <p>19 Mark this as Carney Exhibit 28.</p> <p>20 (Whereupon Carney-28 was marked for</p> <p>21 identification.)</p> <p>22 BY MR. COHEN:</p> <p>23 Q. Do you recognize this document or this</p> <p>24 directory?</p>	<p style="text-align: right;">Page 257</p> <p>1 Q. And if they had been acting warden,</p> <p>2 there would have been certain processes that were</p> <p>3 required to go through -- correct? -- in order to</p> <p>4 accomplish that?</p> <p>5 A. That is correct.</p> <p>6 Q. Did you ever tell Deputy Commissioner</p> <p>7 Clark in 2021 that you did not intend to promote any</p> <p>8 wardens?</p> <p>9 A. Yes. I told him there are no promotions.</p> <p>10 I'm in the thick of Covid-19. You know where my</p> <p>11 attention lies. And I attested to the reasons why.</p> <p>12 You wanted me to divert attention during a pandemic.</p> <p>13 No, that's not how that works.</p> <p>14 I had no wiggle room. I had to</p> <p>15 keep moving. I didn't have the luxury of stopping</p> <p>16 and training and being able to bring someone up.</p> <p>17 The decision was made. Those individuals remained</p> <p>18 as deputy warden status, site responsibility, and we</p> <p>19 worked tirelessly over those three years.</p> <p>20 I've testified. It has not</p> <p>21 changed. The answer is the same. Making that</p> <p>22 appointment was the least on my priorities.</p> <p>23 Q. And I just have three more questions.</p> <p>24 I appreciate your time.</p>

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<p style="text-align: right;">Page 258</p> <p>1 You testified earlier that you</p> <p>2 directed Deputy Wardens Williams, Lacombe, and</p> <p>3 Angelucci to continue to have site responsibility of</p> <p>4 the facilities after the wardens retired because you</p> <p>5 needed the facilities to be stable and to continue</p> <p>6 to function, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Would hiring a warden from the</p> <p>9 established February 21, 2020 promotional list have</p> <p>10 made any of the facilities unstable?</p> <p>11 A. Yes.</p> <p>12 Q. How so?</p> <p>13 A. They could barely manage their current</p> <p>14 duties at that time. Now you are asking me -- you</p> <p>15 have a small unit. You can't manage them. Now I'm</p> <p>16 going to put you in charge of an entire unit, which</p> <p>17 your workforce responsibility is going to increase</p> <p>18 by five times almost. You were demonstrating you</p> <p>19 were treading water there.</p> <p>20 So based on that, no, that was</p> <p>21 not the best decision to make.</p> <p>22 You didn't have the skill set.</p> <p>23 You didn't have the skill set for a strong leader.</p> <p>24 Difficult decisions. Unpopular decisions. People</p>	<p style="text-align: right;">Page 260</p> <p>1 anything to do with covid was secondary, and it just</p> <p>2 continued to go down the list.</p> <p>3 I have 47-plus lives in my hands</p> <p>4 before they even knew that they'd give us masks. We</p> <p>5 had a large carceral setting. I can't take time and</p> <p>6 divert to say, "Okay, what about this list?"</p> <p>7 No. The task at hand was to</p> <p>8 manage a large carceral setting, with staff leaving</p> <p>9 in droves, along with experienced staff, and trying</p> <p>10 to keep it staffed. That was my priority.</p> <p>11 MR. COHEN: That's all the</p> <p>12 questions I have. Thank you.</p> <p>13 (Deposition concluded at 6:10</p> <p>14 p.m.)</p> <p>15 -----</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 259</p> <p>1 not understanding the virus and how you had to</p> <p>2 continue to communicate that. That's not the time</p> <p>3 to lament.</p> <p>4 You can acknowledge, but you</p> <p>5 still got to move the work forward. The work still</p> <p>6 has to get done. And based on the performance of</p> <p>7 that current position, no. It would have been</p> <p>8 catastrophic.</p> <p>9 Q. Can you point to any documents that</p> <p>10 support the decision that you made to not hire from</p> <p>11 the established February 21, 2020 list?</p> <p>12 A. No, I cannot. I explained that. My answer</p> <p>13 is the same.</p> <p>14 I was dealt leadership during a</p> <p>15 pandemic which no one knew, not even the CDC, and</p> <p>16 they were giving us information on a daily basis.</p> <p>17 That was my full attention. So I have no document</p> <p>18 where I sat down and said, "I'm not going to make</p> <p>19 this list."</p> <p>20 I kept focus at the task at</p> <p>21 hand, and that was to lead through the darkest time</p> <p>22 in the world, which was a pandemic. And I did just</p> <p>23 that.</p> <p>24 Anything that didn't have</p>	

1 C E R T I F I C A T E

2 I, LOUIS A. MANCHELLO, a Certified Court
3 Reporter (N.J. License No. 30XI00141800) and Notary
4 Public of Pennsylvania, do hereby certify that the
5 deposition of BLANCHE CARNEY was duly taken on
6 December 14, 2023 and at the time noted above before
7 me. The said BLANCHE CARNEY was first duly sworn
8 (or affirmed) by me according to law to tell the
9 truth, the whole truth and nothing but the truth and
10 thereupon did testify as set forth in the above
11 transcript of testimony. The testimony was taken
12 down by me stenographically.

13 I do further certify that the above
14 deposition is a full, complete, and true record of
15 all the testimony given by the said witness, to the
16 best of my knowledge and ability.

17 Electronically signed by Louis A.
18 Manchello, Certified Court Reporter (N.J. License
19 Number 30XI00141800) on January 7, 2024.

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24

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